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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DOMINIC HANNA,

Plaintiff,

v.

FRESNO COUNTY, et al.,

Defendants.

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Case No. 1:14-cv-00142-LJO-SKO

**ORDER GRANTING MOTION TO  
WITHDRAW AS GUARDIAN AD LITEM**

(Doc. 67)

On February 6, 2014, the Court granted a petition to appoint Kathy Henderson as guardian *ad litem* for Plaintiff Dominic Hanna, her legally separated spouse. (Doc. 6.) At the time of the appointment, Plaintiff Hanna was a patient at Napa State Hospital. (Doc. 67.) Since that time, Plaintiff Hanna has been discharged from the hospital and is back to state custody. (Doc. 67.)

On February 4, 2015, the Court issued an Order Staying Litigation pending the outcome of the Fresno County Superior Court's determination of Plaintiff Hanna's competence to stand trial. (Doc. 56.) On April 16, 2015, the Superior Court determined Plaintiff Hanna is competent to stand trial in his pending criminal case, *People v. Hanna*, Fresno County Superior Court, F12900449. (Doc. 67.) The Superior Court reinstated criminal proceedings and on May 13, 2015, this Court ordered the stay of litigation in the civil case lifted. (Docs. 57; 58; 67.)

As a consequence of the above described events, Plaintiff Hanna is no longer in need of a guardian *ad litem* for purposes of the civil case. (Doc. 67.) Ms. Henderson has requested that the Court terminate her appointment as Plaintiff Hanna's guardian *ad litem*. (Doc. 67.)

1 Plaintiff Hanna has been found to be competent to stand trial by the Fresno County  
2 Superior Court. Because Plaintiff Hanna is competent to make his own legal decisions, a guardian  
3 *ad litem* is no longer necessary to protect his interests in the civil case. See Fed. R. Civ. P.  
4 17(c)(2)<sup>1</sup>; *Golin v. Allenby*, 190 Cal. App. 4th 616, 644 (2010) (a guardian *ad litem* is appointed  
5 “to protect [an] incompetent person’s rights in the action,” and is granted the authority “to control  
6 the litigation, to compromise or settle, to direct the procedural steps, and make stipulations” on the  
7 incompetent person’s behalf). Ms. Henderson’s petition to withdraw as guardian *ad litem* will be  
8 granted and her status as guardian *ad litem* will be terminated.

9 Accordingly, IT IS HEREBY ORDERED that the petition by Kathy Henderson to  
10 withdraw as guardian ad litem is GRANTED.

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12 IT IS SO ORDERED.

13 Dated: July 1, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> Under Federal Rule of Civil Procedure 17(c)(2), “[a] minor or incompetent person who does not have a duly  
28 appointed representative may sue by a next friend or by a guardian ad litem. The court must appoint a guardian ad  
litem – or issue another appropriate order – to protect a minor or incompetent person who is unrepresented in an  
action.”