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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

|                         |   |                                       |
|-------------------------|---|---------------------------------------|
| ALLEN TATE, et al.,     | ) | Case No.: 1:14-cv-00159 - LJO - JLT   |
|                         | ) |                                       |
| Plaintiffs,             | ) | ORDER TO PLAINTIFFS TO SHOW CAUSE     |
|                         | ) | WHY THE MATTER SHOULD NOT BE          |
| v.                      | ) | DISMISSED AS TO THE MINORS BASED UPON |
|                         | ) | THEIR LACK OF CAPACITY TO SUE         |
| COUNTY OF KERN, et al., | ) |                                       |
|                         | ) |                                       |
| Defendants.             | ) |                                       |
|                         | ) |                                       |

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On February 12, 2014, the Court issued an order denying Maryn Tate’s petition to be appointed the guardian ad litem for the minor children. (Doc. 8) Since that time, no other person has sought appointment as the children’s guardian ad litem. According to Fed. R. Civ. P. 17(c), a child may sue only in limited circumstances including that he/she has been appointed a guardian ad litem.

Moreover, this Court’s Local Rule 202 provides,

Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent person, the attorney representing the minor or incompetent person shall present (1) appropriate evidence of the appointment of a representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or incompetent person. See Fed. R. Civ. P. 17(c).

Here, the children have not demonstrated that appointment of a guardian ad litem is not necessary and, indeed, the previously filed petition by Ms. Tate demonstrates otherwise. (Doc. 2 at 2) Therefore, the

Court **ORDERS:**

