

1 2015, Mr. Gene Pico mailed a letter to the Court on behalf of Defendant stating that Defendant, whose
2 primary language is Spanish, was unable to respond to the Complaint because he is unfamiliar with the
3 legal system. Mr. Pico explained that Defendant no longer owns or operates La Nayarita Restaurant,
4 and therefore Defendant had no knowledge of the interception and broadcast of the *Bradley v.*
5 *Marquez* fight at La Nayarita Restaurant on October 12, 2013. (Doc. 17).

6 The Court construes this document as a motion by Defendant, appearing *pro se*, to set aside the
7 Clerk's entry of default and answer to the Complaint. Accordingly, Plaintiff will be allowed an
8 opportunity to respond to Defendant's letter. *See Franchise Holding II, LLC v. Huntington Rests.*
9 *Group, Inc.*, 375 F.3d 922, 926 (9th Cir. 2004). Plaintiff's opposition to Defendant's motion is due on
10 or before July 10, 2015.

11 Defendant Martin Carrillo is FURTHER advised that although he has the right to appear on his
12 own behalf in this action, Mr. Pico has no authority to appear as an attorney for Defendant here. Mr.
13 Pico may not file papers or represent defendant. *See Johns v. County of San Diego*, 114 F.3d 874, 876
14 (9th Cir. 1997)(a non-attorney proceeding *pro se* may bring his own claims to court, but may not
15 represent others). Further, while the Court acknowledges the difficulties Defendant's English-language
16 limitations may pose for him in this action, generally the Court is not authorized to appoint interpreters
17 for litigants in civil cases and *pro se* civil litigants have no entitlement to an interpreter or translator.
18 *See 28 U.S.C. § 1915; Loyola v. Potter*, 2009 U.S. Dist. LEXIS 36179, 2009 WL 1033398, at *2 (N.D.
19 Cal. Apr. 16, 2009) ("The court is not authorized to appoint interpreters for litigants in civil cases, and,
20 moreover, has no funds to pay for such a program."). Under these circumstances, Defendant is advised
21 to retain counsel, however, if Defendant wishes to proceed *pro se*, he has an obligation under federal
22 and local rules to prosecute this case diligently, despite appearing in *pro per*. *See King v. Atiyeh*, 814
23 F.2d 565, 567 (9th Cir. 1987) ("Pro se litigants must follow the same rules of procedure that govern
24 other litigants.")

25 Accordingly, IT IS HEREBY ORDERED that

- 26 1. Defendant's letter received on June 22, 2015 is CONSTRUED as an ANSWER and
27 MOTION to Set Aside the Clerk's Entry of Default;

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2. Plaintiff's opposition to the Motion to Set Aside the Clerk's Entry of Default is due on or before **July 10, 2015**;
3. Plaintiff is ordered to serve a copy of this ORDER and its response to the Motion to Set Aside the Clerk's Entry of Default on Defendant Martin Carrillo Martinez at 14446 Lyle Street Sylmar, CA 91342 and Mr. Gene Pico at 420 Greenwood Avenue Sanger, CA 93657;
4. Defendant Martin Carrillo Martinez is advised that Mr. Pico may not represent him in this case and may not file papers on his behalf. Defendant will be responsible for providing his own interpreter;
5. Defendant Martin Carrillo Martinez is DIRECTED to submit his current mailing address to the Court **no later than Friday, July 10, 2015**.

IT IS SO ORDERED.

Dated: June 29, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE