

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE ESTATE OF JASON ALDERMAN,
JUDY EDENS, A.K, AND S.A.,

Plaintiffs,

v.

CITY OF BAKERSFIELD,
BAKERSFIELD POLICE
DEPARTMENT, OFFICER CHAD
GARRETT, and OFFICER RICK
WIMBISH,

Defendants.

No. 1:16-cv-00994-DAD-JLT

ORDER FOR APPOINTMENT OF
GUARDIAN AD LITEM

(Doc. No. 21)

On October 21, 2016, petitioner Nena Chavez filed a petition to be appointed guardian ad litem for plaintiff A.K. for purposes of this action. (Doc. No. 21.)

“District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors.” *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). Rule 17 provides that “[t]he 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.” Fed. R. Civ. P. 17(c)(2). Local Rule 202(a) of this court further states, in pertinent part:

/////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor . . . the attorney representing the minor or incompetent person shall present . . . a motion for the appointment of a guardian *ad litem* by the Court, or . . . 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).

The decision to appoint a guardian ad litem “must normally be left to the sound discretion of the trial court.” *United States v. 30.64 Acres of Land*, 795 F.2d 796, 804 (9th Cir. 1986).

Petitioner Nena Chavez petitions the court to appoint her as guardian ad litem to her minor child, plaintiff A.K. Plaintiff A.K. is a minor, born September 30, 2012. Petitioner states that she is the mother to plaintiff A.K., and that she will represent and protect the interests of plaintiff A.K. Finding good cause, the court grants the petition (Doc. No. 21) and appoints St Nena Chavez guardian ad litem of A.K., a minor and plaintiff to this action.

IT IS SO ORDERED.

Dated: October 24, 2016


UNITED STATES DISTRICT JUDGE