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#### UNITED STATES DISTRICT COURT

#### EASTERN DISTRICT OF CALIFORNIA

S.T., a minor by and through his	) Case No. 1:16-cv-1713 LJO-BAM
guardian ad litem Jessica Niblett, individually and as successor in interest	ORDER APPOINTING JESSICA
of Albert B. Thompson, deceased,	NIBLETT AS GUARDIAN AD LITEM FOR MINOR PLAINTIFF S.T.
Plaintiff,	)
v.	)
CITY OF CERES; JUSTIN CANATSY; JESUS SALINAS; and	) ) )
DOES 1-10; inclusive,	)
Defendants.	) )

On November 10, 2016, Plaintiff S.T., a minor by and through his guardian ad litem Jessica Niblett, attached an application for the appointment of a guardian ad litem to her initial complaint. (Doc. 1-2.) "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,

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); L.R. 202(a).

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 Jessica Niblett petitions the court to appoint her as guardian ad litem to her minor son, Plaintiff S.T. Petitioner states that she is the biological mother to eight-year old Plaintiff S.T., and that she will represent and has no interests adverse to Plaintiff S.T.

Finding good cause, IT IS HEREBY ORDERED that JESSICA NIBLETT is appointed as guardian ad litem for Plaintiff S.T. in this action.

IT IS SO ORDERED.

Dated: November 21, 2016 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE