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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 E.C., a minor, by and through his Guardian Ad
12 Litem, Whitney Castaneda,

13 Plaintiff,

14 v.

15 UNITED STATES OF AMERICA,

16 Defendant.

Case No. 1:17-cv-00209-LJO-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY MOTION TO
APPROVE MINOR'S COMPROMISE
SHOULD NOT BE DENIED

FIVE-DAY DEADLINE

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18 Plaintiff E.C., by and through his guardian ad litem, filed this action in the California
19 Superior Court, County of Tulare alleging a negligence claim against Patricia Olise and the
20 Tulare Community Health Clinic. (ECF No. 1 at 5-9.) On February 13, 2017, the United States
21 of America removed this action to the Eastern District of California and filed a notice of
22 substitution in place of the defendants in this action. (ECF No. 1.) On February 15, 2017, an
23 order was filed requiring Plaintiff to file a petition for appointment of a guardian ad litem within
24 ten days. (ECF No. 4.) On February 5, 2017, the United States filed a motion to dismiss the
25 complaint which was referred to the undersigned. (ECF Nos. 5, 6, 7.) On February 23, 2017, the
26 parties filed a stipulation to dismiss this action for lack of jurisdiction. (ECF No. 6.) On
27 February 24, 2019, an order issued directing the Clerk of the Court to close this matter pursuant
28 to Rule 41(a) of the Federal Rules of Civil Procedure. (ECF No. 8.)

1 On January 24, 2019, Plaintiff filed a motion for approval of a minor's compromise.
2 (ECF no. 9.) Plaintiff's "guardian ad litem" moves for approval of the minor's compromise.
3 Aside from the fact that this action has been dismissed for lack of jurisdiction, Petitioner has
4 presented no evidence that she has been appointed guardian ad litem appointed in this matter.
5 While this Court ordered such a petition to be filed, no petition was filed nor has Plaintiff
6 submitted any evidence by which this Court could find that the state court appointed a guardian
7 ad litem for Plaintiff.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause in writing
9 within five (5) days why the petition for minor's compromise should not be denied for lack of
10 jurisdiction and failure to appoint a guardian ad litem.

11 IT IS SO ORDERED.

12 Dated: February 19, 2019

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14 UNITED STATES MAGISTRATE JUDGE
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