

1 of the person on whose behalf he seeks to litigate.” AT&T Mobility, LLC v. Yeager, 143
2 F.Supp.3d 1042, 9 (E.D. Cal. 2015). This means that the guardian ad litem cannot face an
3 impermissible conflict of interest with the ward and courts consider the candidate’s “experience,
4 objectivity, and expertise” or previous relationship with the ward. Id. (citations omitted).

5 “[W]hen a parent brings an action on behalf of a child, and it is evident that the interests
6 of each are the same, no need exists for someone other than the parent to represent the child’s
7 interests under Rule 17(c).” Gonzalez v. Reno, 86 F.Supp.2d 1167, 1185 (S.D. Fla.), aff’d sub
8 nom. Gonzalez v. Reno, 212 F.3d 1338 (11th Cir. 2000). While a parent is generally appointed
9 as a guardian ad litem, there are situations where the best interests of the minor and the interests
10 of the parent conflict. Anthem Life Ins. Co. v. Olguin, No. 1:06-CV-01165 AWINEW, 2007
11 WL 1390672, at *2 (E.D. Cal. May 9, 2007). Therefore, a parent is not entitled as a matter of
12 right to act as guardian ad litem for the child. Id. at *2.

13 Accordingly, IT IS HEREBY ORDERED that within ten (10) days from the date of entry
14 of this order, Plaintiffs D.X. and L.X. shall either file a notice regarding appointment as guardian
15 ad litem by the State court or a petition for appointment of guardian ad litem in this action.

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17 IT IS SO ORDERED.

18 Dated: May 17, 2017


UNITED STATES MAGISTRATE JUDGE

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