

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
EASTERN DISTRICT OF CALIFORNIA**

LINO SUSANO ESTRADA CASTRO, MARIA RODRIGUEZ, and BENJAMIN GUZMAN ESTRADA,)	Case No.: 1:17-cv-00673-AWI-BAM
)	
Plaintiffs,)	ORDER GRANTING PETITION FOR GUARDIAN AD LITEM
)	
v.)	(Doc. No. 15)
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

On February 13, 2018, Plaintiff Benjamin Guzman Estrada, a minor, by and through counsel submitted a petition for the appointment of a guardian ad litem.¹ (Doc. No. 15.)

“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).

///

¹ The Court notes that the parties participated in and completed the Voluntary Dispute Resolution Program, and the matter has reached a settlement.

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

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 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). By the petition, Plaintiff seeks to have the court appoint Rogelio Eli Estrada Castro as his guardian ad litem. Rogelio Eli Estrada Castro is the natural and custodial father of Plaintiff Benjamin Guzman Estrada, a ten-year old minor, and alleges that he is competent and willing to act as guardian for the purpose of this action. (Doc. No. 15.)

Finding good cause, IT IS HEREBY ORDERED that Rogelio Eli Estrada Castro is appointed as guardians ad litem for Plaintiff Benjamin Guzman Estrada in this action.

IT IS SO ORDERED.

Dated: February 22, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE