UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

S.B., a minor, by and through her guardians ad litem KRISTINA B. and MICHAEL B., and KRISTINA B. and MICHAEL B., Individually,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF EDUCATION and THE STATE OF CALIFORNIA,

Defendants.

Case No.: 1:17-cv-01507-LJO-BAM

ORDER GRANTING PETITION FOR GUARDIANS AD LITEM

(Doc. No. 4)

(Doc. No. 4)

On November 9, 2017, Plaintiff S.B., a minor by and through her guardians ad litem Kristina B. and Michael B., submitted a petition for the appointment of guardians ad litem in conjunction with the initial complaint. (Doc. No. 4.)

"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 <u>ad litem</u> 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 to appoint Kristina B. and Michael B. as guardians ad litem to their minor child, Plaintiff S.B. Kristina B. and Michael B. are the parents of Plaintiff S.B., a sixteen-year-old minor, and allege that they are competent to act as her guardians, have no interests adverse to her rights and are competent and responsible to prosecute the proposed action for her. (Doc. No. 4.)

Finding good cause, IT IS HEREBY ORDERED that Kristina B. and Michael B. are appointed as guardians ad litem for Plaintiff S.B. in this action.

IT IS SO ORDERED.

Dated: November 15, 2017 /s/ Barbara A. McAuliff
UNITED STATES MAGISTRATE JUDGE