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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY PEREZ, individually, CECILIA PEREZ, individually, TERRALEE PEREZ, individually and as successor in interest to Joseph Perez, JOSEPH PEREZ, JR., individually and as successor in interest to Joseph Perez, and X.P., a minor, by and through his Guardian ad litem, MICHELLE PEREZ, individually and as successor in interest to Joseph Perez ,

Plaintiffs,

v.

CITY OF FRESNO, COUNTY OF FRESNO, JAMES ROSSETTI, an individual, SEAN CALVERT, an individual, CHRIS MARTINEZ, an individual, BRAITHAN STOLTENBERG, an individual, ROBERT MCEWEN, an individual, KARLSON MANASAN, an individual, JIMMY ROBNETT, an individual, and DOES 1-10, inclusive,

Defendants.

Case No.: 1:18-cv-00127-AWI-EPG

ORDER GRANTING PETITION FOR THE APPOINTMENT OF A GUARDIAN AD LITEM

(ECF No. 2)

On January 23, 2018, Plaintiff X.P., a sixteen-year-old minor, by and through his guardian *ad litem* Michelle Perez, individually and as successor in interest to Joseph Perez, submitted a petition for the appointment of a guardian *ad litem* in conjunction with the commencement of this action. (ECF No. 2). Plaintiff X.P. seeks to have the Court appoint his paternal aunt, Michelle Perez, as guardian *ad*

1 *litem*. Michelle Perez alleges that she is fully competent and responsible to act as her nephew's
2 guardian and to prosecute the action on his behalf.

3 Rule 17 of the Federal Rules of Civil Procedures provides that “[t]he court must appoint a
4 guardian ad litem--or issue another appropriate order--to protect a minor or incompetent person who is
5 unrepresented in an action.” Fed. R. Civ. P. 17(c)(2).

6 Local Rule 202(a) of this Court further states, in pertinent part:

7
8 Upon commencement of an action or upon initial appearance in defense of an action by
9 or on behalf of a minor . . . the attorney representing the minor or incompetent person
10 shall present . . . a motion for the appointment of a guardian ad litem by the Court, or . .
11 . a showing satisfactory to the Court that no such appointment is necessary to ensure
12 adequate representation of the minor or incompetent person.

13 “The decision to appoint a guardian ad litem under Rule 17(c) is normally left to the sound
14 discretion of the trial court.” *Davis v. Walker*, 745 F.3d 1303, 1310 (9th Cir. 2014) (citing *United*
15 *States v. 30.64 Acres of Land*, 795 F.2d 796, 804 (9th Cir. 1986)).

16 Upon review of the application, the Petition of Michelle Perez to be Appointed Guardian ad
17 litem for Minor, X.P. (ECF No. 2), is GRANTED.

18 IT IS SO ORDERED.

19 Dated: January 26, 2018

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE
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