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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICTORIA GARCIA, et al.,) Case No.: 1:18-cv-0369 - DAD- JLT
)
Plaintiffs,) ORDER DIRECTING VICTORIA GARCIA TO
) FILE A MOTION TO PROCEED AS GUARDIAN
v.) AD LITEM FOR MINOR PLAINTIFF N.R.
)
COUNTY OF KERN, et al.,)
)
Defendants.)
)
)
)

On March 16, 2018, Plaintiffs initiated this action by filing a complaint. (Doc. 2) Victoria Garcia indicated that she is the mother of minor Plaintiff N.R., and will be proceeding as her guardian in this action. (See Doc. 2 at 1-2) Pursuant to Local Rule 202,

Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent person, the attorney representing the minor or incompetent person shall present (1) appropriate evidence of the appointment of a representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or incompetent person.

Id. (citing Fed. R. Civ. P. 17(c)). Here, though the complaint indicates a guardian is necessary for N.R., no motion for appointment of a guardian ad litem was filed by Ms. Garcia. Because the claims of N.R. may only be brought “by a next friend or a guardian ad litem,” a guardian must be appointed to protect her interests. See Fed. R. Civ. P. 17(c)(2).

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Accordingly, the Court **ORDERS**: Plaintiffs **SHALL** file a motion for Ms. Garcia to be appointed as guardian ad litem for minor plaintiff N.R. no later than **June 25, 2018**.

IT IS SO ORDERED.

Dated: June 11, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE