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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

M.J.V., individually and as successor-in-interest to decedent SERGIO VELASCO MARTINEZ,

Plaintiff,

v.

CITY OF AVENAL, a municipal corporation; and DOES 1-50, inclusive, individually and in their official capacity as police officers for the City of Avenal,

Defendants.

No. 1: 18-cv-00863-DAD-EPG

ORDER APPOINTING GUARDIAN AD LITEM

(Doc. No. 12)

On December 21, 2018, Lidio Jacinto filed a petition to be appointed guardian *ad litem* for plaintiff M.J.V. for purposes of this action. (Doc. No. 12.)

“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

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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* Fed. R. Civ. P. 17(c).

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).

Lidia Jacinto petitions the court to appoint her as guardian *ad litem* to her child, plaintiff M.J.V., a minor child under the age of eighteen. Petitioner states that she is the biological mother to plaintiff M.J.V., and that she is competent and willing to represent and protect the interests of plaintiff M.J.V. Finding good cause, the court grants the petition (Doc. No. 12) and appoints Lidia Jacinto guardian *ad litem* of M.J.V., a minor and plaintiff in this action.

IT IS SO ORDERED.

Dated: December 30, 2018

  
UNITED STATES DISTRICT JUDGE