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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESTATE OF EZEKIEL RIVERA, *et al.*,
Plaintiffs,
v.
KERN COUNTY SHERIFF'S
DEPARTMENT, *et al.*,
Defendants.

Case No. 1:24-cv-00176-JLT-CDB
ORDER DIRECTING RESPONSE BY
PLAINTIFFS
(Doc. 22)
Ten-day Deadline

On February 7, 2024, Plaintiffs the Estate of Ezekiel Rivera, Soluna Lora, and E.R. (“Plaintiffs”) initiated this action with the filing of a complaint against Kern County Sheriff’s Department, Kern County, Deputy Swords, Deputy Chavez, and Sheriff Donny Youngblood (“Defendants”). (Doc. 1). On February 9, 2024, Plaintiffs filed a petition for appointment of guardian ad litem for minor Plaintiff E.R. (Doc. 8). On February 12, 2024, the Court granted Plaintiffs’ petition and appointed Josephina Villareal as guardian ad litem for Plaintiff E.R. (Doc. 9).

On May 31, 2024, Plaintiffs filed a first amended complaint against all Defendants. (Doc. 22). Among other things, the first amended complaint names E.Z. as a plaintiff and appears to terminate E.R. as a plaintiff. *Id.* Based on a comparison of the original and amended complaints, Plaintiffs E.R. and E.Z. appear to be one and the same. (Docs. 1, 22). However, both E.R. and

1 E.Z. remain named as parties on the docket of this action as no party has made an appropriate
2 filing to terminate any Plaintiff. *See* Fed. R. Civ. P. 41(a)(1). Further, only Plaintiff E.R.
3 presently is authorized to proceed through an appointed guardian ad litem.

4 Accordingly, it is HEREBY ORDERED, within ten (10) days of entry of this order,
5 Counsel for Plaintiffs:

- 6 1. Shall file a declaration addressing whether, in fact, E.R. and E.Z are one and the
7 same;
- 8 2. Shall file a notice pursuant to Fed. R. Civ. P. 41(a)(1) dismissing E.R. if E.R.
9 and E.Z. are one and the same; and
- 10 3. Shall file a renewed petition seeking appointment of guardian ad litem if E.R.
11 and E.Z. are not one and the same.

12 IT IS SO ORDERED.

13 Dated: July 9, 2024

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16 UNITED STATES MAGISTRATE JUDGE
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