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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN MUNOZ, et al.,
Plaintiffs,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

Case No. 1:24-cv-00540-KES-SAB
ORDER REQUIRING DEFENDANTS TO FILE
ORDER APPOINTING GUARDIAN AD LITEM
FOR MINOR PLAINTIFFS
FIVE DAY DEADLINE

On May 7, 2024, Defendants removed this action from the Tulare County Superior Court to the Eastern District of California. (ECF No. 1.) Upon review of the notice of removal, this action is brought by Bryan Munoz, Jerry Munoz-Molina, and Angelene Munoz-Molina who are minors through their guardian ad litem. The docket from Tulare County Superior Court shows that the state court has entered orders appointing a guardian ad litem for each of the minor plaintiffs.

Pursuant to Rule 17 of the Federal Rules of Civil Procedure, a representative of an incompetent person may sue or defend on the incompetent person’s behalf. Fed. R. Civ. P. 17(c). This requires the Court to take whatever measures it deems appropriate to protect the interests of the individual during the litigation. United States v. 30.64 Acres of Land, More or Less, Situated in Klickitat Cty., State of Wash., 795 F.2d 796, 805 (9th Cir. 1986). The appointment of the guardian ad litem is more than a mere formality. Id. “A guardian ad litem is authorized to act on

1 behalf of his ward and may make all appropriate decisions in the course of specific litigation.” Id.

2 Rule 101 of the Local Rules of the Eastern District of California provides that the
3 appropriate state court file records shall be filed electronically in a removed case. Accordingly,
4 IT IS HEREBY ORDERED that, **within five (5) days** from the date of entry of this order,
5 Defendants shall file a copy of the orders appointing a guardian ad litem for the minor plaintiffs
6 in this matter.

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8 IT IS SO ORDERED.

9 Dated: May 8, 2024


UNITED STATES MAGISTRATE JUDGE

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