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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LETICIA SANTIAGO, *on behalf of minors*  
J.C. and R.S.B.,

Plaintiff,

v.

MARTIN O’MALLEY, COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

CASE NO.: 1:24-cv-01391-HBK

ORDER GRANTING PETITION TO  
APPOINT GUARDIAN AD LITEM

(Doc. No. 2)

On November 13, 2024, Leticia Santiago initiated this action on behalf of minor Plaintiffs J.C. and R.S.B., seeking judicial review of a final decision of the Commissioner of Social Security denying their deceased mother’s application for disability insurance benefits under the Social Security Act. (Doc. No. 1). On the same day, Leticia Santiago, through counsel, filed a Petition for Appointment of Guardian Ad Litem. (Doc. No. 2, “Petition”). Petitioner seeks appointment of Leticia Santiago as guardian ad litem for J.C. and R.S.B. For the reasons set forth below, the Court grants the Petition.

Federal Rule of Civil Procedure 17 provides for a representative of a minor or an incompetent person to sue or defend on a minor or an incompetent’s behalf. Fed. R. Civ. P.

1 17(c). Similarly, this Court’s Local Rule 202(a) in pertinent part, states:


2 Upon commencement of an action or upon initial appearance in defense of an  
3 action by or on behalf of a minor ... the attorney representing the minor or  
4 incompetent person shall present ... a motion for the appointment of a guardian ad  
5 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.

6 Appointment of a guardian ad litem is not a mere formality because the guardian “is  
7 authorized to act on behalf of his ward and may make all appropriate decisions in the course of  
8 specific litigation.” *United States v. 30.64 Acres of Land, More or Less, Situated in Klickitat*  
9 *Cty., State of Wash.*, 795 F.2d 796, 805 (9th Cir. 1986). A “guardian ad litem need not possess  
10 any special qualifications,” but must “be truly dedicated to the best interests of the person on  
11 whose behalf he seeks to litigate.” *AT&T Mobility, LLC v. Yeager*, 143 F.Supp.3d 1042, 1053-  
12 54 (E.D. Cal. 2015) (citations omitted). The Court has considered the application of Leticia  
13 Santiago for appointment as guardian ad litem for J.C. an R.S.B., who are minors. Leticia  
14 Santiago is not a party to the instant action. (*See generally* Doc. No. 1). She is the grandmother  
15 of J.C. and R.S.B.; and they are in her custody and live with her. (Doc No. 2 at 4 ¶ 2). The  
16 Court does not find any apparent conflict of interest or any other factors that demonstrate such  
17 appointment is not in the best interests of the minor Plaintiffs.

18 Accordingly, it is **ORDERED**:

- 19 1. The Petition for Appointment of Guardian Ad Litem (Doc. No. 2) is **GRANTED**.
- 20 2. Leticia Santiago is appointed as guardian ad litem for J.C. and R.S.B., and is  
21 authorized to prosecute this action on their behalf.

22  
23 Dated: November 25, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE  
JUDGE