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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD DAVIS, on behalf of
DANIELLE DAVIS, a minor,

Plaintiff,

No. CIV S-10-2268 LKK KJM PS

vs.

FOLSOM CORDOVA UNIFIED
SCHOOL DISTRICT, et al.,

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff, on behalf of his minor child, is proceeding in this action pro se. A minor can only proceed if represented by counsel. Johns v. County of San Diego, 114 F.3d 874 (9th Cir. 1997); Local Rule 202(a). Plaintiff was granted thirty days in which to obtain counsel, which time period has now expired. Although plaintiff filed a petition to be appointed guardian ad litem, plaintiff has failed to obtain counsel as required to represent his minor child in this action. Plaintiff was cautioned that failure to obtain counsel would result in a recommendation that the action be dismissed without prejudice.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within

1 fourteen days after being served with these findings and recommendations, plaintiff may file
2 written objections with the court. The document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: October 1, 2010.

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10 U.S. MAGISTRATE JUDGE