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

JONATHON ALEXANDER, et al.,

Plaintiffs,

CIV S-11-640 MCE CKD

vs.

STATE OF CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

ORDER

_____ /

This action arises out of the murder of plaintiffs’ father while he was incarcerated. On March 21, 2011, plaintiff Jonathon Alexander was appointed as guardian ad litem to represent the interests of his sister, plaintiff Amber Alexander, an incompetent person presently confined to a mental institution. At the time of appointment, plaintiffs were represented by counsel in this action. On April 23, 2012, counsel’s motion to withdraw was granted and plaintiffs are now proceeding pro se.

An incompetent person can only proceed if represented by counsel. Johns v. County of San Diego, 114 F. 3d 874, 877 (9th Cir. 1997) (minors must be represented by attorney); see also Meeker v. Kercher, 782 f.2d 153, 154 (10th Cir. 1986) (“it is not in the interest of minors or incompetents that they be represented by non-attorneys”). Although plaintiff Amber

1 Alexander is not a minor, given her present confinement, she is incompetent to proceed in this
2 action on her own behalf.

3 In light of the status of plaintiff Amber Alexander, the court finds appointment of
4 counsel is warranted. See Fed. R. Civ. P. 17(c). David Springfield has been selected from the
5 court's pro bono attorney panel to represent plaintiff and he has accepted the appointment.
6 Plaintiffs' counsel shall be permitted to seek reimbursement of costs in accordance with the
7 provisions of General Order no. 510.

8 Because plaintiffs are represented by counsel, pretrial matters, other than
9 discovery motions, should now be noticed before the District Judge assigned to this action. The
10 magistrate judge shall continue to perform all duties described in Local Rule 302(c).

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. David Springfield is appointed as counsel in the above entitled matter.

13 2. Appointed counsel shall notify Sujean Park at (916) 930-4278, or via email at
14 spark@caed.uscourts.gov if he has any questions related to the appointment.

15 3. The Clerk of the Court is directed to serve a copy of this order upon David
16 Springfield, The Springfield Law Firm, 12896 Rices Crossing Road, Post Office Box 660,
17 Oregon House, California 95962.

18 4. This matter is referred back to the District Judge assigned to this action.

19 5. The status conference set before the undersigned on June 6, 2012 is vacated;

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6. Henceforth the caption on documents filed in this action shall be

CIV S-11-640 MCE CKD.

Dated: April 27, 2012


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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