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

OLENA RADIONOVA,

Plaintiff,

No. CIV S-12-1501 GEB CKD PS

vs.

UNKNOWN,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____ /

In this action, plaintiff challenges her confinement to a locked mental health facility. Plaintiff asserts her conservator unfairly placed her in the locked facility. Plaintiff further asserts that she is presently contesting her confinement in the California Court of Appeal and that a court date is in the process of being set with the El Dorado County Superior Court for a six month conservatorship review.

Plaintiff is proceeding in this action in propria persona. Because a conservator has been appointed for plaintiff, it appears she is incompetent to proceed in this action on her own behalf. 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”).

1 By order filed June 18, 2012,¹ plaintiff was directed to obtain counsel no later than
2 July 31, 2012. That time period has passed and plaintiff has failed to obtain counsel. Due to
3 plaintiff's incompetence, she cannot proceed forward without counsel. The case should therefore
4 be dismissed without prejudice.

5 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
6 without prejudice.

7 Dated: August 6, 2012

8 
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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25 ¹ Plaintiff's complaint alleges that she is represented by counsel Linda Zachritz in the
26 appeal process. Plaintiff further alleges that her conservator is Mari Robertson and that she was
represented by counsel Jeff Wilson in the conservatorship proceedings. The court directed that a
copy of that order be served on those three individuals as well as plaintiff's parents.