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

E.M.M.,

Plaintiff,

CIV 2:12-cv-2907 AC (SS)

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

Plaintiff seeks judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying her application for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act. Consuelo Mercadal, plaintiff E.M.M.’s mother, requests the court appoint her guardian ad litem to represent the interests of her minor child. Doc. No. 3. Plaintiff, through her mother, requests authority under 28 U.S.C. § 1915 to proceed in forma pauperis. Doc. No. 4.

A. Motion to Appoint Guardian Ad Litem

Federal Rule of Civil Procedure 17(c)(2) provides that “[a] minor who does not have a duly appointed representative may sue by next of friend or by guardian ad litem.” Further, a “court must appoint a guardian ad litem . . . to protect a minor” *Id.* The

1 application reveals that it should be granted, and therefore the court appoints Consuelo Mercadal
2 guardian ad litem for plaintiff E.M.M.

3 B. Motion to Proceed In Forma Pauperis

4 Plaintiff requests permission to proceed in forma pauperis pursuant to 28 U.S.C. §
5 1915. Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable
6 to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma
7 pauperis will be granted. 28 U.S.C. § 1915(a).

8 C. Conclusion

9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. The motion to have Consuelo Mercadal appointed guardian ad litem for
11 plaintiff E.M.M, Doc. No. 3, is granted.

12 2. Plaintiff's request to proceed in forma pauperis, Doc. No. 4, is granted.

13 3. The Clerk of the Court is directed to serve the undersigned's scheduling order
14 in social security cases.

15 4. The Clerk of the Court is further directed to serve a copy of this order on the
16 United States Marshal.

17 5. Within fifteen days from the date of this order, plaintiff shall submit to the
18 United States Marshal a completed summons and copies of the complaint and file a statement
19 with the court that said documents have been submitted to the United States Marshal.

20 6. The United States Marshal is directed to serve all process without prepayment
21 of costs not later than sixty days from the date of this order. Service of process shall be
22 completed by delivering a copy of the summons and complaint to the United States Attorney for
23 the Eastern District of California, and by sending a copy of the summons and complaint by
24 registered or certified mail to the Attorney General of the United States at Washington, D.C. See
25 Fed. R. Civ. P. 4(i)(1)(A) & (B). The Marshal shall also send a copy of the summons and
26 complaint by registered or certified mail to the Commissioner of Social Security, c/o Office of

1 General Counsel, Region IX, 160 Spear Street, Suite 800, San Francisco, CA 94105-1545. See

2 Fed. R. Civ. P. 4(i)(2).

3 DATED: December 18, 2012.

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE