

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.M., a minor,
Plaintiff,

No. 2:15-cv-1030 KJM DAD PS

ORDER

BRATTON WAGNOR, City of Vallejo
Police Officer,

Defendant.

On May 11, 2015, a complaint was filed on behalf of plaintiff J.M., a minor, “in and through his mother.” (Dkt. No. 1.) Plaintiff is proceeding in this action pro se and the matter was, therefore, referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The undersigned notes that the complaint filed on plaintiff's behalf in this action repeatedly states plaintiff's full name. Moreover, attached to the complaint are pictures of the minor plaintiff. Local Rule 140 specifically provides that a minor's name shall be identified only by using the minor's initials. In addition, certainly at this stage of the proceedings, it is

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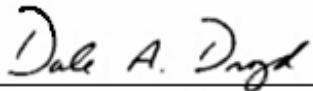
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1 unnecessary for photographs of plaintiff to be submitted to the court.¹

2 Next, the right to represent oneself pro se is personal to the plaintiff and does not extend
3 to other parties. Simon v. Hartford Life, Inc., 546 F.3d 661, 664 (9th Cir. 2008); Russell v.
4 United States, 308 F.2d 78, 79 (9th Cir. 1962) (“A litigant appearing in propria persona has no
5 authority to represent anyone other than himself.”). Thus, “a parent or guardian cannot bring an
6 action on behalf of a minor child without retaining a lawyer.” Johns v. County of San Diego, 114
7 F.3d 874, 877 (9th Cir. 1997). “[I]t is not in the interest of minors . . . that they be represented by
8 non-attorneys. Where they have claims that require adjudication, they are entitled to trained legal
9 assistance so their rights may be fully protected.” Id. at 876–77 (quoting Osei-Afriyie v.
10 Medical College, 937 F.2d 876, 882–83 (3d Cir. 1991)). In this regard, plaintiff J. M. must be
11 represented by retained counsel if this action is to proceed on his behalf.

12 Accordingly, IT IS HEREBY ORDERED that within 60 days of the date of this order
13 either an attorney shall file a request to substitute into this action as counsel for plaintiff or
14 plaintiff shall file a notice of dismissal of this action without prejudice.

15 Dated: May 20, 2015

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17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

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¹ Accordingly, both the complaint and the motion to proceed in forma pauperis filed on plaintiff’s behalf have been placed under seal by the Clerk of the Court because they reflect identifying information with respect to the minor plaintiff.