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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

R.P. BY AND THROUGH HER
GUARDIAN AD LITEM TRACIE
PEREZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

No. 2:15-cv-1366 AC

ORDER

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

Plaintiff has also petitioned for the appointment of her mother, Tracie Perez, to be her guardian ad litem. ECF No. 3. Plaintiff is alleged to have been born in 1999, and therefore is under eighteen years of age, a minor under California law. See ECF No. 3 ¶ 1; Cal. Fam. Code § 6500 (“A minor is an individual who is under 18 years of age”). Perez is alleged to have custody of R.P., to be willing and fully competent to serve as R.P.’s guardian ad litem, and to have no conflict of interest with R.P. See ECF No. 3 ¶¶ 2 & 5.

The court will therefore appoint Tracie Perez as R.P.’s guardian ad litem, to protect her

1 interests in this lawsuit, pursuant to Fed. R. Civ. P. 17(c)(2). See Davis v. Walker, 745 F.3d
2 1303, 1310 (9th Cir. 2014) (the purpose of Rule 17(c) is to protect the minor or incompetent
3 person's interests in prosecuting or defending a lawsuit); Fed. R. Civ. P. 17(b)(1) (capacity to sue
4 is determined by the law of plaintiff's domicile); Cal. Fam. Code § 6601 (minor can only sue by
5 guardian ad litem).

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

7 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2), is GRANTED.

8 2. Plaintiff's petition for appointment of Tracie Perez to be her guardian ad litem (ECF
9 No. 3), is GRANTED.


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

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

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

17 6. The United States Marshal is directed to serve all process without prepayment of costs
18 not later than sixty days from the date of this order. Service of process shall be completed by
19 delivering a copy of the summons and complaint to the United States Attorney for the Eastern
20 District of California, and by sending a copy of the summons and complaint by registered or
21 certified mail to the Attorney General of the United States at Washington, D.C. See Fed. R. Civ.
22 P. 4(i)(1)(A) & (B). The Marshal shall also send a copy of the summons and complaint by
23 registered or certified mail to the Commissioner of Social Security, c/o Office of General
24 Counsel, Region IX, 160 Spear Street, Suite 800, San Francisco, CA 94105-1545. See Fed. R.
25 Civ. P. 4(i)(2).

26 DATED: July 12, 2015

27 
28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE