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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REVEREND HEIDI LEPP, et al.,  
Plaintiffs,  
v.  
YUBA COUNTY, et al.,  
Defendants.

No. 2:17-cv-1317-KJM-EFB PS

ORDER

On May 21, 2018, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections on May 29, 2018, and they were considered by the undersigned.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis, but modifies footnote 1 as follows: In their ex parte application, plaintiffs improperly identify “DOES 1-99” as plaintiffs in this action. A plaintiff’s use of a fictitious name may “run[ ] afoul of the public’s common law right of access to judicial proceedings.” *Does I through XIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) (citations omitted). *Cf.* Fed. R. Civ. P. 10(a) (requiring a complaint to include the names of all parties). Plaintiffs provide no

1 justification for their departure from “[t]he normal presumption in litigation [] that parties must  
2 use their real names.” *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Estate*, 596 F.3d 1036,  
3 1042 (9th Cir. 2010). Moreover, to the extent the three named plaintiffs in this action purport to  
4 represent the other unnamed plaintiffs, they are not entitled to do so as there is no indication they  
5 are attorneys licensed to practice law. *See C.E. Pope Equity Tr. v. United States*, 818 F.2d 696,  
6 697 (9th Cir. 1987) (holding a non-attorney may appear pro se on his or her own behalf but lacks  
7 authority to appear as an attorney for others) (citations omitted).

8 Accordingly, IT IS ORDERED that:

9 1. The Findings and Recommendations filed May 21, 2018, are adopted,  
10 consistent with the above modifications and clarifications; and

11 2. Plaintiffs’ application for a temporary restraining order and motion for  
12 preliminary injunction (ECF No. 81) is denied.

13 3. This case is referred back to the assigned magistrate judge for further pretrial  
14 proceedings.

15 DATED: July 18, 2018.

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18 UNITED STATES DISTRICT JUDGE  
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