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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL VARTANIAN for YOK HING
LAW, No. C-13-2873 EMC

Plaintiff,

ORDER TO SHOW CAUSE

V.

ALAMEDA COUNTY SUPERIOR COURT.

Defendant.

15 Michael Vartanian filed this suit on behalf of Yok Hing Law on June 21, 2013. Vartanian,
16 who apparently is not an attorney, seeks to represent Law in this action because Law has a mental
17 disability that makes it difficult for her to communicate and to understand her case. Compl. ¶ 15.
18 Law is apparently not incapacitated or incompetent, however, and the complaint thus states that the
19 appointment of a guardian ad litem is not appropriate. *Id.* The complaint alleges that Vartanian is
20 authorized to represent Law as a non-attorney by the Americans with Disabilities Act, 42 U.S.C. §§
21 12101 *et seq.*, but does not cite to any particular provision of that statute providing such authority.

22 Parties appearing in federal courts may appear either personally as *pro se* litigants or through
23 an attorney, but they generally may not be represented by a non-attorney. 28 U.S.C. § 1654; *Johns*
24 *v. Cnty. of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997) (“While a non-attorney may appear *pro se*
25 on his own behalf, ‘[h]e has no authority to appear as an attorney for others than himself.’”) (quoting
26 *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir.1987)). Even where a minor or
27 incompetent person is represented by a next friend or guardian ad litem, a non-attorney next friend
28 or guardian is not permitted to appear on behalf of that person in federal court without retaining an

1 attorney. *See Johns*, 114 F.3d at 877 (“a parent or guardian cannot bring an action on behalf of a
2 minor child without retaining a lawyer”); *Berrios v. New York City Hous. Auth.*, 564 F.3d 130, 134
3 (2d Cir. 2009) (“The fact that a minor or incompetent person must be represented by a next friend,
4 guardian ad litem, or other fiduciary does not alter the principle embodied in § 1654 that a
5 non-attorney is not allowed to represent another individual in federal court litigation without the
6 assistance of counsel. If the representative of the minor or incompetent person is not himself an
7 attorney, he must be represented by an attorney in order to conduct the litigation.”).

8 Given this general rule, Vartanian is hereby **ORDERED** to show cause why he should not be
9 barred from representing Law in this action as a non-attorney. His response should cite to legal
10 authority providing the basis for his ability to serve as a non-attorney representative in this action.
11 He shall file his response with the Court by no later than August 2, 2013.

12 For Vartanian’s and Law’s benefit, the Court directs their attention to the Handbook for Pro
13 Se Litigants, which is available along with further information for the parties on the Court’s website
14 located at <http://cand.uscourts.gov/proselitigants>. They may also contact the Legal Help Center, 450
15 Golden Gate Avenue, 15th Floor, Room 2796, Telephone No. (415) 782-9000 extension 8657, for
16 free legal advice regarding Mr. Law’s claims.

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18 IT IS SO ORDERED.

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20 Dated: July 12, 2013

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23 EDWARD M. CHEN
24 United States District Judge
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