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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAZMH,
Plaintiff,
v.
WELLS FARGO BANK,
Defendant.

Case No. 19-cv-03739-DMR

ORDER TO SHOW CAUSE

Pro se minor Plaintiff ZMH filed a complaint and application to proceed *in forma pauperis* (“IFP”). [Docket Nos. 1, 2.] The case was filed by his “next friend,” Regional Advocacy Group. On September 25, 2019, the court issued an order to show cause. [Docket No. 7.] The order explained that a “next friend” who is “neither an attorney nor represented by one may not bring a lawsuit on behalf of minor or incompetent plaintiffs.” *Roe v. Suter*, 165 F.3d 917 (9th Cir. 1998) (dismissing a complaint brought by a non-attorney “next friend” of minor plaintiffs).

On September 26, 2019, Plaintiff filed a motion to appoint Patrina Harrison, his mother, to serve as his guardian ad litem. [Docket No. 11.] Plaintiff appears to argue that he may be represented pro se by a guardian ad litem. This is incorrect. While a guardian ad litem must be appointed to represent a minor’s interests if the minor is otherwise unrepresented, Fed. R. Civ. P. 17(c)(2), the guardian ad litem does not serve as counsel for a pro se minor. In other words, a minor with a guardian ad litem must still retain a lawyer. *Johns v. Cty. of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997) (holding that “a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer”); *Jianjun Xie v. Oakland Unified Sch. Dist.*, No. 12-cv-02950-CRB, 2013 WL 812425, at *3 (N.D. Cal. Mar. 5, 2013) (holding that the plaintiffs could not bring any claims on behalf of their daughter without licensed counsel); *Van Kim Lai v. Vanhart*, No. 09-cv-05364-JW, 2010 WL 11586756, at *3 (N.D. Cal. May 7, 2010) (“The fact that a minor may be

United States District Court
Northern District of California


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represented by a guardian *ad litem* does not alter the principle embodied in 28 U.S.C. § 1654 that a non-attorney is not allowed to represent another individual in federal court litigation without the assistance of counsel.” (internal quotation marks and citations omitted)).

Because Plaintiff is a minor, his claims may only proceed if he is represented by qualified counsel. Based on the foregoing, Plaintiff is ordered to respond in writing to explain why this case should not be dismissed. **Plaintiff’s response is due by October 16, 2019.**

IT IS SO ORDERED.

Dated: October 3, 2019



DONNA M. RYU
United States Magistrate Judge