


1 EUGENE G. IREDALE, ESQ. (SBN: 75292)
2 105 West F Street, 4th Floor
3 San Diego, CA 92101-6036
4 Tel: (619) 233-1525
5 Fax: (619) 233-3221
6 Attorney for Plaintiff, DEYVNE CASTILLO

FILED
2010 JUL 21 PM 4:10
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTY

7 UNITED STATES DISTRICT COURT
8 IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

9 THE ESTATE OF GERARDO)
10 VALENTINEZ, by its personal)
11 representative GLORIA SERRANO OLIV)
12 VALENTINEZ, DEYVNE CASTILLO, an)
13 individual and minor, by and through her)
14 guardian *ad litem*, ANGELA RUIZ, and)
15 SKYE VALENTINEZ, an individual and)
16 minor, by and through her guardian *ad*)
17 *litem*, ANGELA RUIZ,)
18)
19 Plaintiffs,)
20 v.)
21)
22 UNITED STATES OF AMERICA,)
23 WALTER MCDANIEL, an individual,)
24 LORENZO TOVAR, an individual,)
25 STACY SMITHSON, an individual,)
26 MICHAEL KALINE, an individual,)
27 ALEXADER VITELA, an individual,)
28 THOMAS TRASSARE, an individual,)
29 SHAWN KITAURA, an individual,)
30 ROBERT GROSS, an individual, SERGIO)
31 BESABE, an individual, CHRISTINE)
32 SCHNEIDER, an individual, and DOES)
33 1-20, INCLUSIVE,)
34)
35 Defendants.)
36)
37)
38)

Case No. 08-CV-0781 BEN WMC
**PETITION AND ORDER FOR
APPOINTMENT OF ANGELA RUIZ AS
GUARDIAN AD LITEM FOR
PLAINTIFF DEYVNE CASTILLO
NUNC PRO TUNC**

CR 28

1 COMES NOW, DEYVNE CASTILLO, an individual and minor, by and through her
2 attorney of record, Eugene G. Iredale, and respectfully submits this Petition for Appointment of
3 Angela Ruiz as Guardian ad litem for Plaintiff DEYVNE CASTILLO.

4 Petitioner states as follows:

5 1. I am counsel for DEYVNE CASTILLO in the above captioned action. DEYVNE
6 CASTILLO is a minor, fifteen (15) years of age. DEYVNE CASTILLO's date of birth is
7 September 2, 1994.

8 2. DEYVNE CASTILLO's stepfather, GERARDO VALENTINEZ, died while in custody
9 of the Homeland Security after he was hog-tied and left on his stomach. This action is filed
10 against the UNITED STATES and the individual officers that Plaintiffs believe are responsible
11 for GERARDO VALENTINEZ' death.

12 3. The proposed guardian, Angela Ruiz, as the biological mother and legal guardian, is
13 not a stranger to the minor, has more than an "ideological interest" in the action and shall be an
14 appropriate alter ego for the minor DEYVNE CASTILLO's interests in this lawsuit. T.W. v.
15 Brophy, 124, F.3d 893, 896 (7th Cir. 1997); Ford v. Haley, 195 F.3d 603, 624 (11th Cir. 1999).

16 4. The proposed guardian, Angela Ruiz, is not a party to this action and therefore can
17 represent the interests of said minor without consideration to herself as a party to the action.

18 5. Angela Ruiz is ready and willing to act as guardian *ad litem* for DEYVNE CASTILLO
19 as appears by her consent to serve set forth below.

20 6. Angela Ruiz was appointed as guardian *ad litem* for her daughter Skye Valentine on
21 June 3, 2008.

22 7. DEYVNE CASTILLO was added as a plaintiff on the First Amended Complaint filed
23 on March 19, 2009. This motion asks the Court for an order appointing Angela Ruiz as guardian
24 *ad litem* for DEYVNE CASTILLO *nunc pro tunc* as of March 19, 2009.

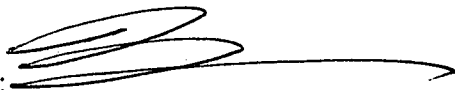
25 ///
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1 DATED: July 21, 2010

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By: 
Eugene G. Iredale

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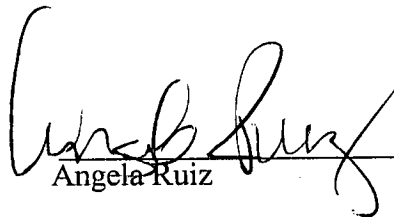
I, Angela Ruiz, hereby attest to the content of the above petition and hereby consent to serve as guardian ad litem for DEYVNE CASTILLO.

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DATED: July 21, 2010


Angela Ruiz

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Date: July 21, 2010


Hon. William McCurine, Jr.
Magistrate Judge
U.S. District Court
Southern District of California

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