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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEF
[Signature]

Attorneys for Plaintiffs:
JRGF (BY AND THROUGH HIS GUARDIAN AD LITEM, FERNANDO FERNANDEZ), FERNANDO FERNANDEZ and MARIA FERNANDEZ

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

JRGF (BY AND THROUGH HIS GUARDIAN AD LITEM, FERNANDO FERNANDEZ), FERNANDO FERNANDEZ and MARIA FERNANDEZ

Plaintiffs,

v.

UNITED STATES OF AMERICA;
Alexandro Gaitan, in his individual capacity; John Carrol, in his individual capacity; UNKNOWN AGENTS OF THE U.S. CUSTOMS AND BORDER PROTECTION; and DOES 1 through 50, inclusive,

Defendants.

Case No.:

10 CV 1387 BTM JMA
PETITION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM

ORIGINAL

1 TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE
2 SOUTHERN DISTRICT OF CALIFORNIA:
3

- 4 1. JESUS ROGELIO GALVAN FERNANDEZ (hereinafter "JRGF" per
5 FRCP 5.2) is a minor, born June 8, 1993.
- 6 2. JRGF is about to commence an action in this Court against the
7 UNITED STATES OF AMERICA, Alexandro Gaitan, in his
8 individual capacity; John Carrol, in his individual capacity;
9 UNKNOWN AGENTS OF THE U.S. CUSTOMS AND BORDER
10 PROTECTION; and DOES 1 through 50, under the Federal Tort
11 Claims Act and *Bivens v. Six Unkown Agents of Federal Bureau of*
12 *Narcotics*, 403 U.S. 388 (1971), for the unlawful assault, battery, use
13 of excessive force, unreasonable searches and seizures, harassment,
14 and stalking of JRGF, and the negligent infliction of emotional
15 distress by U.S. Customs and Border Patrol agents on plaintiffs
16 Fernando Fernandez, Maria Fernandez and JRGF.
- 17 3. JRGF has no general guardian and no previous petition for the
18 appointment of a guardian ad litem.
- 19 4. Pursuant to FRCP 17, it is respectfully requested that this Court
20 appoint FERNANDO FERNANDEZ as the guardian ad litem for
21 JRGF in this litigation.
- 22 5. FERNANDO FERNANDEZ, whose address is 1240 D R Amalia
23 Street Calexico, CA 92231, is a competent and responsible person,
24 who is fully competent to act as the guardian ad litem for JRGF.
25 FERNANDO FERNANDEZ is the father of JRGF.

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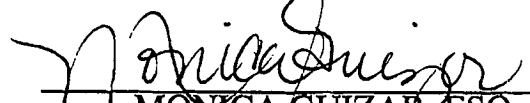
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1 WHEREFORE, it is respectfully requested that this Court enter an order
2 appointing FERNANDO FERNANDEZ as the guardian ad litem for JRGF.

3
4 Dated: June 28, 2010

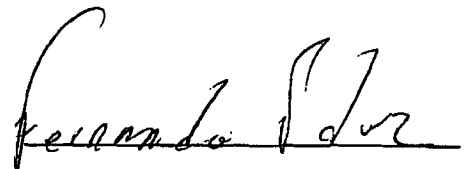
MUÑOZ & GUIZAR, LLP

5 
6 MONICA GUIZAR, ESQ.
7 Attorneys for PLAINTIFFS

8
9 **CONSENT TO APPOINTMENT AS GUARDIAN AD LITEM**

10 I, FERNANDO FERNANDEZ, consent to act as guardian ad litem for my
11 son, JRGF, in the litigation arising out of the the unlawful assault, battery, use of
12 excessive force, unreasonable searches and seizures, harassment, and stalking of
13 JRGF, and the negligent infliction of emotional distress by U.S. Customs and
14 Border Patrol agents on plaintiffs Fernando Fernandez, Maria Fernandez and
15 JRGF.

16 Dated: 6/29/10

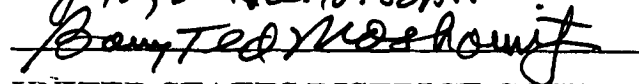
17 
18 Fernando Fernandez

19
20 **ORDER**

21 The petition for an order appointing FERNANDO FERNANDEZ as
22 guardian ad litem for JESUS ROGELIO GALVAN FERNANDEZ is

23 APPROVED *without prejudice. At a hearing held on July 14, 2010*
24 *the court noted a potential for a conflict of interest if there*
IT IS SO ORDERED. *were to be monetary settlement discussions.*
25 *Therefore, a status hearing as to continuance of the appointment*
shall take place on January 12, 2011 at 10:00 am.

26 Dated: July 14, 2010

27 
28 UNITED STATES DISTRICT COURT
JUDGE