

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Case Action No. 14-CV-1068-WYD-NYW

LISA MITCHELL,  
J.R.M., by and through her next friend William Montez,  
SU. M., by and through his next friend Richard Murray,  
SA. M., by and through his next friend Michael LaJoie, and  
T.L., by and through his next friend Lorraine Ortega,

Plaintiffs,

v.

CINDY HOWARD,  
SHERRI BACA, and  
EL PUEBLO BOYS AND GIRLS RANCH, INC.,

Defendants.

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**ORDER**

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Magistrate Judge Nina Y. Wang

This matter comes before the court on the Motion for Order filed by Plaintiff Samuel Mitchell [#186, filed December 14, 2015], seeking to remove Michael LaJoie as his next friend in this matter. This Motion for Order has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), the Order of Reference dated April 16, 2014 [#4], the Order of Reassignment dated February 10, 2015 [#52], and the memorandum dated December 15, 2015 [#187].

Mr. LaJoie was originally appointed Samuel Mitchell's next friend, and was identified as a lawyer who was serving as Samuel Mitchell's guardian ad litem for the actions in the District Court for Pueblo County, Colorado. [#23 at 2; # 36]. Mr. LaJoie replaced Lisa Mitchell, to avoid a dispute over whether Ms. Mitchell could serve as Samuel Mitchell's next friend based on

a Dependency and Neglect case. [#23 at 2]. As noted by Plaintiff's then-counsel, after his 18th birthday, so long as he is competent, Samuel no longer needs a next friend for the case at bar. [*Id.* at 2-3].

In his Motion for Order, Mr. Mitchell contends that Mr. LaJoie is "not helping me or responding to me." [#186 at 1]. He therefore seeks to remove Mr. LaJoie as his next friend. Mr. Mitchell is now undisputedly over the age of 18, and has not, to this court's knowledge, been adjudged incompetent by any court. Therefore, there is no longer a requirement for Mr. Mitchell to have a representative or next friend to pursue this action pursuant to Rule 17(c) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 17(c). As a competent adult, Mr. Mitchell can proceed *pro se*, or engage counsel to represent him.

Accordingly, **IT IS ORDERED** that:

- (1) Plaintiff Samuel Mitchell's Motion for Order [#186] is **GRANTED**; and
- (2) The Clerk of the Court is **DIRECTED** to **REMOVE** Michael LaJoie as Mr. Mitchell's next friend and **AMEND** the caption to reflect Mr. LaJoie's removal.

DATED: January 19, 2016

BY THE COURT:

s/ Nina Y. Wang  
Nina Y. Wang  
United States Magistrate Judge