UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

A.M., a minor, by and through her parent and legal representative, NICOL MUMMA Plaintiffs, v. TODD MUMMA, et al., Defendants.	Case No.: 1:22-cv-0548 JLT SKO ORDER DIRECTING PLAINTIFF TO FILE A MOTION FOR APPOINTMENT OF A GUARDIAN AD LITEM

A.M. is a minor and seeks to proceed "through her mother and legal representative, Nicole Mumma." (*See* Doc. 16 at 1; *see also* Doc. 1 at 1.) Because A.M. is a minor, she is unable to prosecute the claims presented in the complaint and her claims may only be brought "by a next friend or a guardian ad litem." *See* Fed. R. Civ. P. 17(c)(2). In addition, pursuant to Local Rule 202,

> Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent person, the attorney representing the minor or incompetent person shall present (1) appropriate evidence of the appointment of a representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or incompetent person.

Id. (citing Fed. R. Civ. P. 17(c)).

The Court's review of the docket reveals Plaintiff has not requested appointment of a guardian ad litem, there is no evidence identified of the formal appointment of a representative for the minor, and there is no allegation in the complaint that such an appointment is not necessary. To the contrary,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the pleadings indicate A.M. seeks to bring her claims through Nicole Mumma. (Doc. 16 at 1; Doc. 1 at 1.) However, Ms. Mumma has not requested appointment as guardian ad litem, or filed documentation that she was appointed the "legal representative." Accordingly, the Court **ORDERS** the plaintiff to file a motion for the appointment of a guardian ad litem **no later than August 1, 2022**.

IT IS SO ORDERED.

Dated: **July 6, 2022**

UNITED STATES DISTRICT JUDGE