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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SYDNEY BROOKE ROBERTS and  
12 DAVID TYRONE SAMUEL,

13 Plaintiffs,

14 v.

15 SACRAMENTO HOUSING AND  
16 REDEVELOPMENT AGENCY, et al.,

16 Defendants.  
17

No. 2:22-cv-01699 DJC AC PS

ORDER TO SHOW CAUSE

18 Plaintiffs are proceeding in this action pro se, and the matter was accordingly referred to  
19 the undersigned by E.D. Cal. R. 302(c)(21). The operative complaint is the Third Amended  
20 Complaint (ECF No. 11), filed November 15, 2022. See ECF No. 36. Portions of this complaint  
21 have been dismissed, while others remain. Id. The undersigned has identified two remaining  
22 problems with the status of some of the parties in this case.

23 A. The Minor Children Must be Removed as Plaintiffs

24 The operative complaint identifies four plaintiffs: David Tyrone Samuel, Sydney Brooke  
25 Roberts, and two minor children: “AIMS” and “DAYS.” ECF No. 36 at 9. Although the initial  
26 screening order in this case informed the adult plaintiffs that as pro se plaintiffs, they can  
27 represent only themselves (ECF No. 3 at 4), and later Findings and Recommendations identify  
28 plaintiffs as “two adult members of the same household,” (ECF No. 36 at 2), the minor children

1 were never removed as plaintiffs in this action. “A pro se plaintiff can only ‘prosecute his own  
2 action in propria persona,’ and ‘has no authority to prosecute an action in federal court on behalf  
3 of others.’” United States ex rel. Welch v. My Left Foot Children’s Therapy, LLC, 871 F.3d 791,  
4 800 (9th Cir. 2017) (quoting Stoner v. Santa Clara County Office of Educ., 502 F.3d 1116, 1126  
5 (9th Cir. 2007)). The Ninth Circuit has made clear “that a parent or guardian cannot bring an  
6 action on behalf of a minor child without retaining a lawyer.” Johns v. County of San Diego, 114  
7 F.3d 874, 877 (9th Cir. 1997). Thus, plaintiffs Samuel and Roberts cannot represent AIMS and  
8 DAYS, and unless an attorney is retained for the minors, the minors cannot be plaintiffs in this  
9 case.

10 B. Defendant Tyler Thao Has Not Been Served

11 There is no indication on the record that defendant Tyler Thao has been served in this  
12 case, even though the operative complaint was filed over 18 months ago on November 15, 2022.  
13 ECF No. 11. Per the Federal Rules of Civil Procedure, failure to complete service within 90 days  
14 may result in dismissal of a defendant. Fed. R. Civ. P. 4(m). The deadline for service has long  
15 since passed. Plaintiff Samuel appeared at a status conference in this case on April 17, 2024, and  
16 indicated that he was willing to dismiss defendant Thao without prejudice. Plaintiff Roberts has  
17 not spoken on the issue.

18 ORDER TO SHOW CAUSE

19 In accordance with the above, IT IS HEREBY ORDERED that plaintiffs must show cause  
20 in writing within 14 days why (1) the minor plaintiffs AIMS and DAYS should not be terminated  
21 from this case, and (2) why defendant Tyler Thao should not be dismissed without prejudice for  
22 failure of service. If plaintiffs fail to respond, the undersigned will recommend that defendant  
23 Thao be dismissed without prejudice, and that the minors DAYS and AIMS be terminated  
24 plaintiffs.

25 IT IS SO ORDERED.

26 DATED: April 17, 2024

27   
28 ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE