

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Arwood v. Bisignano

No. 1:25-cv-00736-SKO, United States District Court for the Eastern District of California (June 20, 2025)

SUMMARY

The Eastern District of California orders the plaintiff, who filed a Social Security action on behalf of a minor, to either demonstrate that no guardian ad litem is necessary to ensure adequate representation or apply for appointment of a guardian ad litem. The order gives the plaintiff fourteen days to comply with Federal Rule of Civil Procedure 17(c) and Eastern District of California Local Rule 202(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 20, 2025
DOCKET	1:25-cv-00736-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Order requiring a parent representing a minor plaintiff in a Social Security disability action either to demonstrate that no guardian ad litem is necessary or to apply for appointment of a guardian ad litem.
PRECEDENTIAL VALUE	Unknown; district court procedural order

TOPICS

- guardian ad litem
- guardianship procedure
- guardianships
- civil procedure

PRACTICE AREAS

- civil procedure
- social security disability
- minor representation

QUESTIONS PRESENTED

1. Whether a parent bringing an action in federal court on behalf of a minor must provide a satisfactory showing that no guardian ad litem appointment is necessary or file an application for appointment under Federal Rule of Civil Procedure 17(c) and Eastern District of California Local Rule 202(a).

HOLDINGS

1. A parent who initiates an action on behalf of a minor must present a showing satisfactory to the court that appointment of a guardian ad litem is unnecessary or file a motion for appointment of a guardian ad litem meeting Local Rule 202(a)'s requirements.

KEY QUOTATIONS

“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.” (at 1)

FACTUAL BACKGROUND

Brandi Arwood filed an action on behalf of her minor child, D.D.J., challenging the denial of an application for Social Security disability benefits. She proceeded in forma pauperis, and the court granted that application. Because the complaint was filed on behalf of a minor and the docket contained no notice addressing adequate representation or guardian ad litem appointment, the court required corrective action.

PROCEDURAL HISTORY

Brandi Arwood filed a complaint on behalf of her minor child, D.D.J., challenging the Commissioner's denial of disability benefits. The court granted in forma pauperis status, then reviewed the docket and found that no notice of adequate representation or application for appointment of a guardian ad litem had been filed. The court ordered plaintiff to make the required filing within fourteen days.

DISPOSITION

other

CASES CITED

- Doe ex rel. Sisco v. Weed Union Elementary Sch. Dist., No. 2:13-CV-01145-GEB, 2013 WL 2666024, at *1 (E.D. Cal. June 12, 2013)
- Prudential Ins. Co. of Am. v. Remington, No. 2:12-cv-02821-GEB-CMK, 2013 WL 3070629, at *2 (E.D. Cal. Mar. 23, 2013)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 BRANDI ARWOOD, on behalf of her Case No. 1:25-cv-00736-SKO minor
child D.D.J. 12 ORDER REQUIRING PLAINTIFF TO FILE Plaintiff, NOTICE OF ADEQUATE
13 REPRESENTATION OR APPLICATION FOR v. APPOINTMENT OF GUARDIAN AD

LITEM 14 FOR MINOR PLAINTIFF PURSUANT TO FRANK BISIGNANO, Commissioner of LOCAL RULE 202(a) 15 Social Security, FOURTEEN DAY DEADLINE 16 Defendant.

17 18 Plaintiff Brandi Arwood, on behalf of minor D.D.J., (“Plaintiff”) filed a complaint on June 19 18, 2025, challenging a final decision of the Commissioner of Social Security denying an 20 application for disability benefits. (Doc. 1.) Plaintiff did not pay the filing fee in this action and 21 instead filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

(Doc. 2.) 22 On June 20, 2025, the Court granted the application to proceed in forma pauperis. (Doc. 3.) 23 Rule 17 of the Federal Rules of Civil Procedure provides that a suit by a minor may be 24 brought or defended by “(A) a general guardian; (B) a committee; (C) a conservator; or (D) a like 25 fiduciary.” Fed. R. Civ. P. 17(c)(1).

Thus, Rule 17(c)(1)(A) permits a “general guardian” to sue 26 in federal court on behalf of a minor, and “[a] parent is a guardian who may so sue.” Doe ex rel. 27 Sisco v. Weed Union Elementary Sch. Dist., No. 2:13-CV-01145-GEB, 2013 WL 2666024, at *1 28 (E.D. Cal. June 12, 2013) (denying a motion to appoint a guardian ad litem as unnecessary because 1 nothing in the complaint indicated the minor plaintiff’s parents would not adequately protect her 2 interests, nor was there evidence of a conflict of interest between the minor plaintiff and her 3 parents); see also Prudential Ins.

Co. of Am. v. Remington, No. 2:12-cv-02821-GEB-CMK, 2013 4 WL 3070629, *2 (E.D. Cal. Mar. 23, 2013) (finding no need to appoint parent guardian ad litem of 5 defendant minor where nothing in the record suggested she had a conflict or would not protect the 6 minor’s interests).

The Local Rules of the Eastern District of California provide that: 7 Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent 8 person, the attorney representing the minor or incompetent person shall present (1) appropriate evidence of the appointment of a 9 representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the 10 Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the 11 minor or incompetent person.

12 E.D. Cal. L.R. 202(a) (emphasis added). 13 Here, the complaint indicates that this action was initiated by a parent of the minor Plaintiff. 14 (See Doc. 1 at 1.) Thus, Plaintiff is required to present a showing satisfactory to the Court that no 15 appointment of a guardian ad litem is necessary to ensure adequate representation of the minor, or, 16 if necessary, file a motion for the appointment of a guardian ad litem.

However, upon review of 17 the docket, no notice of adequate representation nor application for the appointment of guardian ad 18 litem has been filed. 19 Accordingly, IT IS HEREBY ORDERED that within FOURTEEN (14) DAYS from the 20 date of entry of this order, Plaintiff

shall present a showing satisfactory to the Court that no 21 appointment of a guardian ad litem is necessary to ensure adequate representation of the minor or 22 file a motion for the appointment of a guardian ad litem that meets the requirements of Local Rule 23 202(a).

24 IT IS SO ORDERED. 25 26 Dated: June 20, 2025 /s/ Sheila K. Oberto. UNITED STATES
MAGISTRATE JUDGE 27 28