

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)