

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

E.P., et al. v. County of Kern, et al.

E.P. v. County of Kern, No. 1:25-cv-01260-JLT-CDB (E.D. Cal. Sept. 29, 2025) · No. 1:25-cv-01260-JLT-CDB ·
Decided September 29, 2025

SUMMARY

The United States District Court for the Eastern District of California directed plaintiffs to file motions for appointment of guardians ad litem for minor plaintiff E.P. and decedent minor plaintiff Alejandro Andres Perez, Jr., or provide evidence of representatives appointed under state law. The court also directed plaintiffs to move for E.P. to proceed under a pseudonym or report why such a motion was unnecessary, with a 14-day deadline.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 29, 2025
DOCKET	1:25-cv-01260-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	At the commencement of a civil-rights action alleging wrongful death and personal injuries involving minor plaintiffs, the court sua sponte directed plaintiffs to address representation of the minors and whether minor E.P. should proceed under a pseudonym.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 17(c), Eastern District of California Local Rule 202, and the Ninth Circuit balancing standard governing requests to proceed under a pseudonym.
PRECEDENTIAL VALUE	Unpublished trial-court order with limited precedential value
PARTIES	E.P., et al. v. County of Kern, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiffs were required to provide evidence of state-law representative appointments or seek appointment of guardians ad litem for minor E.P. and deceased minor A.P.
2. Whether plaintiffs were required to move for E.P. to proceed under a pseudonym or explain why such a motion was unnecessary.

HOLDINGS

1. Under Federal Rule of Civil Procedure 17(c) and Eastern District of California Local Rule 202, plaintiffs must provide appropriate evidence of state-law representative appointments, move for appointment of guardians ad litem, or make a showing that appointment is unnecessary for minor and incompetent plaintiffs. Because the complaint did not establish representative appointments or make the required showing, the court directed plaintiffs to file the required motions or evidence for E.P. and A.P.
2. Plaintiffs were required, within 14 days, either to move for E.P. to proceed under a pseudonym or to report why such a motion was unnecessary.

KEY QUOTATIONS

“Because the claims of decedent minor A.P. and minor E.P. may only be brought “by a next friend or guardian ad litem,” a guardian must be appointed by the Court to protect the interests of each minor Plaintiff.” (at 2)

“A party requesting to proceed pseudonymously has the burden of showing that their “need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity.”” (at 3)

FACTUAL BACKGROUND

Plaintiff Alejandro Perez Ramos, Sr. filed the action as the natural parent and purported successor in interest of deceased minor Alejandro Andres Perez, Jr., while minor E.P. appeared through purported guardians ad litem Amalia Ramos and Rolando Rivera. The complaint alleged that A.P. died while in the care, custody, control, and supervision of defendants and that E.P. sustained injuries. It alleged that a Kern County Superior Court had ordered a permanent guardianship plan for E.P. and that the purported guardians were her paternal grandmother and Rivera, but the complaint did not provide evidence of representative appointments for either minor.

PROCEDURAL HISTORY

Plaintiffs filed the complaint on September 23, 2025, asserting claims under 42 U.S.C. § 1983 arising from the death of minor A.P. while in defendants' care and injuries allegedly sustained by minor E.P. The court found that plaintiffs had not submitted evidence of state-law representative appointments or motions for appointment of guardians ad litem. The court also found that, because E.P. is a minor and the action is sensitive and highly personal, plaintiffs must either move for E.P. to proceed pseudonymously or explain why such a motion is unnecessary.

DISPOSITION

other

CASES CITED

- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1067-69 (9th Cir. 2000)
- United States v. Doe, 655 F.2d 920, 922 n.1 (9th Cir. 1981)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 E.P., et al., Case No. 1:25-cv-01260-JLT-CDB 12 Plaintiffs, ORDER
DIRECTING PLAINTIFFS TO FILE MOTIONS FOR APPOINTMENT OF GUARDIAN 13 v.
AD LITEM FOR E.P. AND ALEJANDRO ANDRES PEREZ, J.R. 14 COUNTY OF KERN, et al.,
ORDER DIRECTING PLAINTIFFS TO FILE 15 Defendants. MOTION TO PROCEED UNDER
PSEUDONYM FOR E.P.

OR A REPORT WHY SUCH MOTION IS 16 NOT NECESSARY 17 (Doc. 1) 18 14-DAY
DEADLINE 19 Background 20 Plaintiff Alejandro Perez Ramos, Sr., as the natural parent and
purported successor in interest of 21 decedent minor Alejandro Andres Perez, Jr. (“A.P.”), and
minor E.P., by and through her purported 22 guardian ad litem Rolando Rivera and Amalia
Ramos, initiated this action with the filing of a complaint 23 on September 23, 2025.

(Doc. 1). Plaintiffs assert causes of action to recover damages pursuant to 42 24 U.S.C. § 1983 for
Defendants’ actions and/or failures resulting in the wrongful death of A.P. while in 25 the care,
custody, and control and under the supervision of the named Defendants, and injuries sustained 26
to E.P. See id. at 21-22. 27 /// 28 1 Order Directing Plaintiffs to File Motions for Appointment of
Guardian Ad Litem 2 The complaint alleges that A.P. is the deceased minor child of Plaintiff Perez
Ramos, Sr. Id. ¶ 3 5.

The complaint further alleges that Plaintiff Perez Ramos, Sr., as the natural father of A.P. whose 4
parental rights were never terminated, has standing to bring this action. Id. The complaint does not
5 address whether there is any known guardian or conservator on behalf of A.P. to initiate a claim
or 6 lawsuit. See id. 7 Additionally, the complaint alleges that Plaintiff E.P. is a minor that is
residing in the State of 8 California and that on August 24, 2024, the Kern County Superior Court
ordered a permanent plan of 9 guardianship for E.P. with his paternal grandmother Amalia Ramos
and Rolando Rivera “and terminated 10 dependency jurisdiction except under [California
Government Code Section] 366.4.” See id. ¶¶ 6, 58, 11 61.

The complaint also alleges that on August 25, 2025, the Honorable Gregory Pulskamp of the Kern
12 County Superior Court granted Plaintiff E.P.’s petition for relief from California Government
Code 13 Section 945.4, and that “Plaintiffs are not required to satisfy any further private,

administrative, or 14 judicial prerequisites to the institution of this action, insofar as such prerequisites pertain to any of the 15 remaining causes of action in this complaint.” Id. ¶¶ 25, 26.

16 Pursuant to Eastern District of California Local Rule 202, 17 Upon commencement of an action or upon initial appearance in defense of an action by or 18 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 19 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 20 that no such appointment is necessary to ensure adequate representation of the minor or incompetent person.

21 22 Local Rule 202(a) (citing Fed. R. Civ. P. 17(c)). Because the claims of decedent minor A.P. and minor 23 E.P. may only be brought “by a next friend or guardian ad litem,” a guardian must be appointed by the 24 Court to protect the interests of each minor Plaintiff. See Fed. R. Civ. P. 17(c) (2).

Although Plaintiff 25 Perez Ramos, Sr. refers to himself in the complaint as the natural parent of A.P. that retains parental 26 rights and has standing to bring this action, and that E.P. appears in this action through her purported 27 guardian ad litem Amalia Ramos and Rolando Rivera, as of the date of entry of this order, Plaintiffs 28 have presented neither “appropriate evidence of the appointment of a representative for [each] minor or 1 incompetent person under state law” or a motion in this Court for the appointment of a guardian ad litem 2 for each minor Plaintiff.

3 Accordingly, as set forth below, the Court will order Plaintiffs to file a motion for the 4 appointment of a guardian ad litem for minor Plaintiff E.P. and decedent minor Plaintiff A.P. consistent 5 with Federal Rule of Civil Procedure 17 and Local Rule 202. 6 Order Directing Plaintiffs to File a Motion to Proceed Under Pseudonym for E.P. 7 As noted above, the complaint identifies Plaintiff E.P. as a “minor” that “was and is an individual 8 living, and residing, in the State of California.” (Doc.

1 ¶ 6). It is well established that minors may 9 proceed in a suit anonymously. Fed. R. Civ. P. 5.2(a). 10 “[M]any federal courts, including the Ninth Circuit, have permitted parties to proceed 11 anonymously when special circumstances justify secrecy.” *Does I thru XXIII v. Advanced Textile Corp.*, 12 214 F.3d 1058, 1067 (9th Cir. 2000). “In this circuit...parties [may] use pseudonyms in the ‘unusual 13 case’ when nondisclosure of the party’s identity ‘is necessary...to protect a person from harassment, 14 injury, ridicule or personal embarrassment.’” Id. at 1067-68 (quoting *United States v. Doe*, 655 F.2d 15 920, 922 n.1 (9th Cir.

1981)). “[A] district court must balance the need for anonymity against the general 16 presumption that parties’ identities are public information and the risk of unfairness to the opposing 17 party.” Id. at 1068. 18 The Ninth Circuit has identified three situations in which

parties have been allowed to proceed under pseudonyms: “(1) when the identification creates a risk of retaliatory physical or mental harm; (2) when anonymity is necessary to preserve privacy in a matter of sensitive and highly personal nature; and (3) when the anonymous party is compelled to admit [his or her] intention to engage in illegal conduct, thereby risking criminal prosecution...” Id. (citations and internal quotations marks omitted).

A party requesting to proceed pseudonymously has the burden of showing that their "need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity.” Id. at 1068-69. Though Plaintiffs have not filed a request for minor Plaintiff E.P. to proceed in this action pseudonymously, given the sensitive and highly personal nature of the action, the Court finds it appropriate to direct Plaintiffs to either file a motion for Plaintiff E.P. to proceed pseudonymously in this action or a report indicating why a motion for E.P. to proceed pseudonymously is unnecessary.

Conclusion and Order Accordingly, IT IS HEREBY ORDERED that, within 14 days of entry of this order: 1. Plaintiffs shall file either (a) a motion for the appointment of a guardian ad litem for minor Plaintiff E.P. and decedent minor Plaintiff A.P. consistent with Federal Rule of Civil Procedure 17 and Local Rule 202, or (b) appropriate evidence of the appointment of a representative for minor Plaintiff E.P. and decedent minor Plaintiff A.P. consistent with state law; and 2.

Plaintiffs shall file either (a) a motion for Plaintiff E.P. to proceed pseudonymously in this action or (b) a report demonstrating that such motion is not necessary. 1] IT IS SO ORDERED. 2 aarD
Rr Dated: _ September 29, 2025 13 UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19
20 21 22 23 24 25 26 27 28