

**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

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