

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

D.M.A. v. Commissioner of Social Security

D.M.A. · No. 1:25-cv-00560-BAM · Decided May 13, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the petition to appoint Latasha Edwards as guardian ad litem for minor plaintiff D.M.A. in an action seeking judicial review of a final Social Security Administration decision. The court finds no apparent conflict between the mother’s interests and those of the minor and appoints her under Federal Rule of Civil Procedure 17(c) and Local Rule 202(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 13, 2025
DOCKET	1:25-cv-00560-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an action seeking judicial review of a final decision of the Commissioner of Social Security and moved for appointment of Latasha Edwards as guardian ad litem for the minor plaintiff.
STANDARD OF REVIEW	Appointment of a guardian ad litem is committed to the sound discretion of the district court, which must take appropriate measures to protect a minor or incompetent person during litigation.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	D.M.A., by and through his guardian ad litem, Latasha Edwards v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Latasha Edwards should be appointed guardian ad litem for the minor plaintiff under Federal Rule of Civil Procedure 17(c)(2) and Local Rule 202(a).
2. Whether any apparent conflict of interest or other circumstance precluded D.M.A.'s mother from serving as guardian ad litem.

HOLDINGS

1. A district court must appoint a guardian ad litem or issue another appropriate protective order when a minor or incompetent person is unrepresented in an action; under the circumstances presented, appointment of Latasha Edwards was appropriate.
2. A parent is not entitled as a matter of right to act as guardian ad litem for a child, although a parent may generally be appointed when the parent's interests do not conflict with the minor's interests.

KEY QUOTATIONS

“The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.” (at 1)

“This requires a district court to take whatever measures it deems proper to protect the individual during litigation.” (at 1)

“The decision to appoint a guardian ad litem “must normally be left to the sound discretion of the trial court.”” (at 1)

“Therefore, a parent is not entitled as a matter of right to act as guardian ad litem for the child.” (at 1)

FACTUAL BACKGROUND

D.M.A. is a minor pursuing judicial review of a Social Security Administration decision. D.M.A.'s mother, Latasha Edwards, petitioned to serve as guardian ad litem and represented that she was willing and competent to understand and protect D.M.A.'s rights. The petition also represented that she had no interest adverse to D.M.A.'s rights, and the court found no apparent conflict.

PROCEDURAL HISTORY

D.M.A., through counsel, filed an action for judicial review of a Social Security decision. The court considered Plaintiff's petition to appoint D.M.A.'s mother, Latasha Edwards, as guardian ad litem and granted the petition.

DISPOSITION

other

CASES CITED

- United States v. 30.64 Acres of Land, 795 F.2d 796, 805 (9th Cir. 1986)
- United States v. 30.64 Acres of Land, 795 F.2d 796, 804 (9th Cir. 1986)
- H.D.A. v. County of Stanislaus, No. 1:22-cv-00384-DAD-SAB, 2022 WL 992990, at *1 (E.D. Cal. Apr. 1, 2022)
- Gonzalez v. Reno, 86 F. Supp. 2d 1167, 1185 (S.D. Fla.), aff'd, 212 F.3d 1338 (11th Cir. 2000)
- Anthem Life Ins. Co. v. Olguin, No. 1:06-cv-01165 AWI NEW (TAG), 2007 WL 1390672, at *2 (E.D. Cal. May 9, 2007)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 D.M.A., by and through his guardian ad litem, Case No. 1:25-cv-00560-
BAM Latasha Edwards, 12 ORDER GRANTING PETITION FOR Plaintiff, GUARDIAN AD
LITEM 13 v. (Doc. 4) 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17
Plaintiff D.M.A., by and through his guardian ad litem, Latasha Edwards, and through 18 counsel,
filed this action seeking judicial review of a final decision of the Commissioner of the 19 Social
Security Administration.¹ (Doc.

1.) Currently before the Court is the petition to appoint 20 Latasha Edwards as the guardian ad
litem of the minor plaintiff, D.M.A. (Doc. 4.) 21 Federal Rule of Civil Procedure 17 provides that
“[t]he court must appoint a guardian ad 22 litem—or issue another appropriate order—to protect a
minor or incompetent person who is 23 unrepresented in an action.” Fed.

R. Civ. P. 17(c)(2). This requires a district court to take 24 whatever measures it deems proper to
protect the individual during litigation. United States v. 25 30.64 Acres of Land, 795 F.2d 796, 805
(9th Cir. 1986).

In pertinent part, Local Rule 202(a) of 26 27 1 The complaint states that D.M.A. is proceeding “by
and through his guardian ad litem.” (Doc. 1.) However, the petition for guardian ad litem states
that D.M.A. is proceeding “by and through her guardian ad litem.” (Doc. 4.) 1 this Court further
states: 2 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 3 the minor or incompetent
person shall present... a motion for the appointment of a guardian ad litem by the Court, or... a
showing satisfactory to the Court that no 4 such appointment is necessary to ensure adequate
representation of the minor or incompetent person.

5 6 See L.R. 202(a). The decision to appoint a guardian ad litem “must normally be left to the
sound 7 discretion of the trial court.” 30.64 Acres, 795 F.2d at 804. 8 “[W]hen a parent brings an
action on behalf of a child, and it is evident that the interests 9 of each are the same, no need exists
for someone other than the parent to represent the child’s 10 interests under Rule 17(c).” H.D.A. v.
County of Stanislaus, No. 1:22-cv-00384-DAD-SAB, 2022 11 WL 992990, at *1 (E.D.

Cal. Apr. 1, 2022) (quoting *Gonzalez v. Reno*, 86 F. Supp. 2d 1167, 12 1185 (S.D. Fla.), *aff'd*, 212 F.3d 1338 (11th Cir. 2000)). “While a parent is generally appointed 13 as a guardian ad litem, there are situations where the best interests of the minor and the interests 14 of the parent conflict.” *Id.* (citing *Anthem Life Ins. Co. v. Olguin*, No. 1:06-cv-01165 AWI NEW 15 (TAG), 2007 WL 1390672, at *2 (E.D.

Cal. May 9, 2007)). Therefore, a parent is not entitled as 16 a matter of right to act as guardian ad litem for the child. *Id.* 17 The Court has considered the petition and finds no apparent conflict that would preclude 18 D.M.A.’s mother from serving as guardian ad litem.

The petition indicates the following: (1) 19 Latasha Edwards is the mother of D.M.A., the minor child; (2) she is willing to serve as guardian 20 and is competent to understand and protect the rights of D.M.A.; and (3) she has no interest 21 adverse to the rights of D.M.A. (Doc. 4, ¶¶ 1-2, 5.) 22 Accordingly, IT IS HEREBY ORDERED that Latasha Edwards is appointed in this 23 action as guardian ad litem for D.M.A., a minor.

24 IT IS SO ORDERED. 25 26 Dated: May 13, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 27