

**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

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