

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Munoz v. United States

No. 1:24-cv-01371-KES-BAM (E.D. Cal. Apr. 2, 2025) · No. 1:24-cv-01371-KES-BAM · Decided April 2, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Maritsa Molina’s motion to be appointed guardian ad litem for her minor children, Bryan Munoz, Jerry Munoz-Molina, and Angelene Munoz-Molina. The court finds no conflict of interest that would preclude her appointment and vacates the previously scheduled hearing. The underlying action arises from injuries allegedly sustained when Bryan Munoz fell onto hot ashes at a recreation area.

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	April 2, 2025
DOCKET	1:24-cv-01371-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Maritsa Molina moved under Federal Rule of Civil Procedure 17(c) for appointment as guardian ad litem for her minor children, who are plaintiffs in this Federal Tort Claims Act action. The court resolved the motion without oral argument and granted it.
STANDARD OF REVIEW	Appointment of a guardian ad litem is committed to the sound discretion of the trial court.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

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

PRACTICE AREAS

- civil procedure
- guardianship procedure
- Federal Tort Claims Act

QUESTIONS PRESENTED

1. Whether Maritsa Molina should be appointed guardian ad litem for her minor children under Federal Rule of Civil Procedure 17(c)(2).
2. Whether Molina's status as both a party and parent created a conflict of interest that precluded her appointment as guardian ad litem.

HOLDINGS

1. A district court must protect an unrepresented minor in litigation by appointing a guardian ad litem or issuing another appropriate order, and the court appointed Maritsa Molina as guardian ad litem for Bryan Munoz, Jerry Munoz-Molina, and Angelene Munoz-Molina.
2. Molina's status as a party did not preclude her appointment because the court found no conflict that would prevent her from serving the best interests of her children.

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 4)

“The decision to appoint a guardian ad litem “must normally be left to the sound discretion of the trial court.”” (at 5)

FACTUAL BACKGROUND

On June 21, 2023, Bryan Munoz encountered what appeared to be a dirt mound at the Tule Recreation Area near Lake Success in Tulare County, California. The mound was actually a large pile of hot ashes, and Bryan fell onto it, sustaining burns to his lower extremities. His family members, including his mother Maritsa Molina and the three minor plaintiffs, allegedly suffered emotional distress as a result. Molina had also been appointed guardian ad litem for the minor plaintiffs in the parallel state-court action arising from the same incident.

PROCEDURAL HISTORY

Plaintiffs previously filed related claims in Tulare County Superior Court against California, Tulare County, the U.S. Army Corps of Engineers, and the U.S. Department of Agriculture Forest Service. After removal and dismissal of the federal defendants, the action was remanded to state court. Plaintiffs commenced this parallel Federal Tort Claims Act action on November 7, 2024, and Molina then sought appointment as guardian ad litem for the three minor plaintiffs.

DISPOSITION

other

CASES CITED

- United States v. 30.64 Acres of Land, 795 F.2d 796, 804-05 (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)

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