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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

G.M.M., a minor; B.F.C.A., a minor; F.L.C., a minor; M.L.C., a minor; N.L.C., a minor; K.J.V.D.L.C., a minor; J.I.D.R., a minor; by and through Erica Santamaria, as Next Friend of Minors

Petitioners,

v.

JESSICA BELTRAN, Federal Field Specialist, Office of Refugee Resettlement; RUBY HERNANDEZ, Federal Field Specialist, Office of Refugee Resettlement; THELMA CANTU, Federal Field Specialist, Office of Refugee Resettlement, NIKY HYMEL, Federal Field Specialist Supervisor, Office of Refugee Resettlement; ANDREW GRADISON, Assistant Secretary of the Administration for Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, JR., Secretary of the U.S. Department of Health and Human Services,

Respondents.

Case No. 5:26-cv-00085-SVW-PVC

MEMORANDUM REGARDING NOTICE OF DEFICIENCIES

On January 9, 2026, Undersigned Counsel received a Notice of Deficiencies indicating that an application for appointment of Guardian Ad Litem was required in the instant matter. The text of the Notice of Deficiencies reads as follows:

> *NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Petition for Writ of Habeas Corpus, [2]. The following error(s) was found: Other error(s) with document(s): It appears a guardian ad litem is named in this case but no Petition seeking such appointment has been filed. A Petition for the Appointment of a Guardian Ad Litem must be filed when the appointment of a guardian ad litem is required by Fed. R. Civ. P. 17(c)(2). See Local Rule 17-1. Counsel must file a Petition for the Appointment of a Guardian Ad Litem immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (car)*

While drafting the instant Memorandum, counsel received a text-only order ordering that petitioners file individual motions requesting a GAL for each individual petitioner. This Memorandum now follows. Undersigned Counsel hereby notifies the Court that no *guardian ad litem* is named nor sought in this matter. Instead, Mrs. Erica Santamaria is appearing as next friend of the Minor Petitioners. Federal Rule of Civil Procedure 17 (c)(2) applies specifically to unrepresented minors, indicating: "*Without a Representative*-- A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend *or* by a guardian ad litem. 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*." Fed. R. Civ. P. 17(c)(2) (emphases added). In

the instant matter, all Minor Petitioners are represented by *pro bono* counsel and are appearing by and through next friend Mrs. Erica Santamaria[1].

In turn, Local Rule 17-1 requires a petition for appointment of guardian ad litem at the time of the minor's first appearance "[w]hen the appointment of guardian ad litem is required by F.R.Civ.P 17(c)(2)." As outlined above, Federal Rule of Civil Procedure 17(c)(2) only requires the appointment of a guardian ad litem for unrepresented minors. As all minor Petitioners in the instant matter are represented by *pro bono* counsel, no petition for appointment of guardian ad litem was required at the time of the first appearance under Local Rule 17-1.

Petitioners maintain, pursuant to Federal Rule of Civil Procedure 17(c)(2), that as they are represented by pro bono counsel, they may sue by next friend, and that the court need not appoint a guardian ad litem. Instead, the Court may "issue another appropriate order" -- here, by designating Ms. Santamaria as next friend of Petitioners. Therefore, Undersigned Counsel respectfully submits the instant Memorandum Regarding Notice of Deficiencies for the Court's consideration before proceeding with any applications for Guardian Ad Litem.

Dated: 1/12/2026

Respectfully submitted,
By: */s/ Marion Donovan-Kaloust*
Marion Donovan-Kaloust
Immigrant Defenders Law Center
Pro Bono Attorney for Petitioners

[1] At the time of filing the instant action, all Minor Petitioners other than G.M.M. were initially listed as *pro se* on the docket. However, as of the date of this filing, that issue has been corrected and all Petitioners are properly reflected as being represented by counsel.