

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. 2:16-cv-3840-JAK-KES

Date: June 30, 2017

Title: DEREK WARDLAW v. MARINO, ET AL.

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado  
Courtroom Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFF:  
None Present

ATTORNEYS PRESENT FOR  
DEFENDANT:  
None Present

**PROCEEDINGS (IN CHAMBERS):**

**Ordering Plaintiff to Identify Correct  
Defendant**

On April 11, 2017, the Court served a modified version of Plaintiff’s proposed subpoena on the Los Angeles County Sheriff’s Department (“LASD”). (Dkt. 46.) Plaintiff’s subpoena sought “shift in-service” documents to assist Plaintiff in identifying the correct defendant named in Plaintiff’s Third Amended Complaint (“TAC”) as “Marino,” as well video footage from three separate dates and locations where the constitutional violations alleged in his TAC took place.

On June 8, 2017, Plaintiff informed the Court that he did not receive a response to the subpoena. (Dkt. 51.) On June 14, 2017, the Court issued an order requiring that LASD respond to the subpoena within twenty days. (Dkt. 52.)

On June 29, 2017, counsel for Defendant Chen filed a response to the subpoena on behalf of the Los Angeles County Sheriff’s Department. (Dkt. 56.) The response indicated that 530 pages of shift in-service documents, as well as Plaintiff’s “Movement Log” and “Inmate Total Movement History,” were mailed to Plaintiff on June 29, 2017.<sup>1</sup>

**On or before July 31, 2017**, Plaintiff is hereby ordered to either (1) file a status report identifying the correct defendant who was initially named in Plaintiff’s TAC as “Marino,” if he is

<sup>1</sup> LASD also objected to one of Plaintiff’s video requests, and indicated that LASD did not have video footage responsive to the other two requests.

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able to identify that defendant through the subpoena responses, (2) show cause as to why he still cannot identify the correct defendant, or (3) file a voluntary dismissal of Defendant “Marino” without prejudice. The Clerk of Court shall please attach a blank Notice of Dismissal form to this Order.

Initials of Deputy Clerk JD

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

v.  
Plaintiff(s),  
  
Defendant(s).

**NOTICE OF DISMISSAL PURSUANT  
TO FEDERAL RULES OF CIVIL  
PROCEDURE 41(a) or (c)**

PLEASE TAKE NOTICE: (*Check one*)

- This action is dismissed by the Plaintiff(s) in its entirety.
- The Counterclaim brought by Claimant(s) \_\_\_\_\_ is dismissed by Claimant(s) in its entirety.
- The Cross-Claim brought by Claimants(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- The Third-party Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- ONLY** Defendant(s) \_\_\_\_\_

\_\_\_\_\_ is/are dismissed from (*check one*)  Complaint,  Counterclaim,  Cross-claim,  Third-Party Claim brought by \_\_\_\_\_.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney/Party

**NOTE: F.R.Civ.P. 41(a):** This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.

**F.R.Civ.P. 41(c):** Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.