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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES LYNN WRIDE,

Plaintiff,

vs.

1: 05 CV 00486 AWI WNP SMS (PC)

ORDER RE MOTION (DOC 69)

JONE DOE, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff names as defendants employees of the Fresno County Sheriff's Department.

This action proceed on the original complaint, alleging excessive force against Doe Defendants employed as Fresno County Sheriff's Deputies at the Fresno County Jail. The U.S. Marshal has attempted, unsuccessfully, to execute service upon the defendants. Plaintiff was ordered to provide further identifying information to the Court in order to effect service.

In response, Plaintiff indicates that he is unable to identify the individual defendants, and seeks the Court's assistance in obtaining information to assist in identifying the defendants. The Court finds that good cause exists to open discovery for the limited purpose of identifying the doe defendants. Plaintiff is directed to provide information to the Court for the issuance of a

1 subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure. Plaintiff is directed to  
2 provide any identifying information that would be helpful in identifying the defendants.  
3 Specifically, information such as the dates that the individuals were employed, the time (shift)  
4 that they worked, their location within the Fresno County Jail.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion for limited discovery is granted.
- 7 2. Plaintiff is directed to submit, within thirty days of the date of service of this order,  
8 information to assist in identifying defendants. Plaintiff's failure to do so will result in a  
9 recommendation of dismissal without prejudice pursuant to Federal Rule of Civil Procedure  
10 4(m).

11  
12 IT IS SO ORDERED.

13 **Dated: September 29, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE