

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

SHAULTON J. MITCHELL,
Plaintiff,

No. C 08-00577 WHA (PR)

**ORDER DISMISSING ALL CLAIMS
AGAINST DEFENDANT JOHN DOE**

v.

R. VALDIVIA, J. GARCIA, R. MCCOY,
E. SALINAS, JOHN DOE,
Defendants.

_____ /

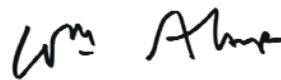
On May 8, 2009, the court issued an order of service, directing the United States Marshal to serve a summons and complaint on defendants R. Valdivia, J. Garcia, R. McCoy, and E. Salinas, all of whom were alleged to be employees of Wasco State Prison Reception Center (WSP). The court also found that Plaintiff "sufficiently stated a claim against a John Doe defendant for violation of his constitutional rights" (May 8, 2009 Order at 2.) Plaintiff was directed to "file an amended complaint properly naming the appropriate defendant" upon discovery of the identity of this defendant. (*Id.*) The court further noted that "[s]hould plaintiff fail to timely name the defendant, the claim will be dismissed." (*Id.* at 3.)

In an order dated June 22, 2009, the court granted plaintiff a 30-day extension of time to obtain the name of defendant John Doe.

To date, plaintiff has failed to timely provide the court with the name of defendant John Doe, and the deadline for doing so has passed. Accordingly, the court DISMISSES all claims against defendant John Doe.

IT IS SO ORDERED.

Dated: January 11, 2010



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE