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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

J. DOE,

CASE NO. 1:08-cv-01219-LJO-DLB PC

Plaintiff,

ORDER REGARDING FICTITIOUS NAME IN  
CAPTION

v.

(Docs. 62, 66, 67)

YATES, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On January 6, 2009, Plaintiff filed a motion to change the caption of the case. (Doc. 24.) The Court treated this as a motion to proceed using a fictitious name and granted Plaintiff's request on March 23, 2009. (Doc. 25.) Plaintiff's request was granted for several reasons, namely the sensitive nature of Plaintiff's claims and Plaintiff's proximity to the defendants, most of whom were or are currently employed at Pleasant Valley State Prison.

On December 2, 2009, the Court issued an order requiring Plaintiff to respond as to whether the necessity for Plaintiff to proceed using a fictitious name still remained. (Doc. 62.) Plaintiff was transferred to California State Prison, Lancaster in October 2009. The Court has had several difficulties with mailing court documents to Plaintiff because of the fictitious name.

1 On December 9, 2009, Plaintiff filed a response, categorized as objections. (Docs. 66, 67.)

2 Plaintiff contends that the fictitious name usage should continue because Plaintiff remains  
3 a particularly vulnerable inmate, being a victim of sexual assault and a preoperative transgendered  
4 individual. Plaintiff is serving a life sentence and thus may eventually be transferred back to  
5 Pleasant Valley State Prison. Plaintiff suggests that the Court permit Plaintiff to proceed under  
6 the fictitious name of "LGBTQ Inmates" or "Transgender Inmates" because this suit would  
7 obviously affect this particular suspect class.

8 The Court will not utilize any fictitious name that indicates multiple plaintiffs. That  
9 would be misleading and cause more confusion. However, the Court will continue to permit  
10 Plaintiff to proceed as J. Doe in this action.

11 Based on the foregoing, the Court will continue to permit Plaintiff to proceed with the  
12 fictitious name J. Doe in this action. The Clerk of Court will write Plaintiff's real name on any  
13 court mail for purposes of mail delivery only.

14 IT IS SO ORDERED.

15 **Dated: December 10, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE