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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GERALD A. WEST,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

CASE NO. 1:09-cv-01277-LJO-GBC (PC)

ORDER GRANTING PLAINTIFF'S MOTION  
TO OPEN **LIMITED** DISCOVERY

(ECF No. 31)

IDENTIFYING INFORMATION DUE  
WITHIN 120 DAYS

**ORDER**

Plaintiff Gerald A. West ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). This action proceeds on Plaintiff's Third Amended Complaint, filed August 27, 2010, against Defendants Does 1, 2, and 3 for failure to protect in violation of the Eighth Amendment. (ECF No. 25.) Because Plaintiff referred to pertinent Defendants as Does, on February 18, 2011, the Court ordered him to provide further information to initiate service of process on these Defendants. (ECF No. 29.) On March 7, 2011, Plaintiff, who has since been transferred from that institution, responded with each Doe's place of employment, location upon Plaintiff's arrival to the

1 institution, appropriate dates, and positions, but was unable to provide enough information  
2 to effectuate service. (ECF No. 30.) Plaintiff then filed a Motion/Request Permission to  
3 Engage in Discovery. (ECF No. 31.) Plaintiff states that he would like to engage in  
4 discovery “for the purpose of gathering document, video tape, identifying individual and  
5 material concerning this civil action.” (Id. at p. 1.)  
6

7 The Court finds that good cause exists to open discovery for the limited purpose of  
8 identifying Doe Defendants. See Gillespie v. Civiletti, 629 F.2d 637, 642-43 (9th Cir. 1980)  
9 (“the plaintiff should be given an opportunity through discovery to identify the unknown  
10 defendants”); Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999). Plaintiff is not  
11 to engage in discovery for any other purpose other than to identify Defendant Does against  
12 whom cognizable claims have been found.  
13

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff’s request to engage in limited discovery to identify Doe Defendants  
16 is GRANTED;
- 17 2. Plaintiff shall have 120 days from the date of service of this Order to provide  
18 the identifying information to the Court for service of process; and  
19
- 20 3. If Plaintiff fails to provide this information within the 120 days, this action will  
21 be dismissed without prejudice.

22 IT IS SO ORDERED.

23 Dated: May 2, 2011

24   
25 UNITED STATES MAGISTRATE JUDGE  
26  
27