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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT GRIFFIN,  
Plaintiff,  
v.  
KERN MEDICAL CENTER, et al,  
Defendants.

1:09-cv-01782-MJS (PC)  
  
ORDER DENYING MOTIONS TO  
REQUEST TIME TO FILE ON DOES AND  
EXTEND TIME TO SUBMIT SERVICE  
DOCUMENTS  
(ECF No. 30)

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Plaintiff Robert Griffin ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the Magistrate Judge handling all matters in this action. (ECF No. 7.)

On November 7, 2011, Plaintiff filed a motion "to request time to file on John Doe". (ECF No. 30.) Plaintiff also attached a motion to extend the time in which to submit his service documents. (Id.) Plaintiff's motions are now before the Court.

**I. MOTION TO EXTEND TIME TO FILE ON DOES**

Plaintiff is currently proceeding in this action on an a Fourteenth Amendment claim for inadequate medical care against Defendant Chin. (Order, ECF No. 28.) In its Screening Order, the Court found that Plaintiff had also stated a cognizable claim against a Defendant John Doe. (Id.) In its Order finding that service of Plaintiff's First Amended Complaint was appropriate, the Court informed Plaintiff that it could not serve a John Doe

1 with process until he was identified by his real name. (Order, ECF No. 29.) The Court  
2 informed Plaintiff he could file an amended pleading once the real name of the John Doe  
3 was discovered. (Id.) Plaintiff is still free to amend the First Amended Complaint pursuant  
4 to Rule 15 of the Federal Rules of Civil Procedure once the identity of the John Doe is  
5 known through discovery or other means. Merritt v. Los Angeles, 875 F.2d 765, 768 (9th  
6 Cir. 1989); see Swartz v. Gold Dust Casino, Inc., 91 F.R.D. 543, 547 (D. Nev. 1981). The  
7 Court has not yet set any deadline for filing amended pleadings, since service of the First  
8 Amended Complaint has not been completed and no party has filed a responsive pleading.

9 Accordingly, since there is no upcoming deadline preventing Plaintiff from filing an  
10 amended pleading naming the John Doe, Plaintiff's motion for an extension of time to  
11 name the John Doe is DENIED.

12 **II. MOTION TO EXTEND TIME TO SUBMIT SERVICE DOCUMENTS**

13 Plaintiff was to submit his service documents and USM-285 forms by November 7,  
14 2011. (ECF No. 29.) Plaintiff informed the Court that there was a delay in his receipt of  
15 the Order directing him to submit these documents, and that there would be a delay in the  
16 submission of these documents. (ECF No. 30.) Plaintiff requested that this deadline be  
17 extended. (Id.)

18 Plaintiff submitted his service documents on November 29, 2011 (ECF No. 31), and  
19 the Court ordered service on December 2, 2011 (ECF No. 32). Accordingly, Plaintiff's  
20 motion for an extension of time is DENIED as moot.

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IT IS SO ORDERED.

Dated: March 1, 2012

1st Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE