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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBIN DASENBROCK,)	1:11-cv-01884 AWI DLB PC
Plaintiff,)	ORDER REGARDING PLAINTIFF'S REQUEST FOR SUMMONS PACKAGE AND GRANTING PLAINTIFF LEAVE TO FILE AMENDED COMPLAINT NAMING DOE DEFENDANT
vs.)	[ECF No. 133]
KINGS COUNTY, et al.,)	THIRTY-DAY DEADLINE
Defendants.)	

Plaintiff Robin Dasenbrock (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s First Amended Complaint against Defendants Enemoh, Page, Perez and Blonde Nurse Doe #1 for claims of negligence and deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On July 27, 2015, the Court received a letter from Plaintiff stating that he has discovered the identity of Blonde Nurse Doe #1. “Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so requires.’” AmerisourceBergen Corp. v. Dialysis West, Inc., 465 F.3d 946, 951 (9th Cir. 2006) (quoting Fed. R. Civ. P. 15(a)). However, courts “need not grant leave to amend where the amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay in the litigation; or (4) is futile.” Id. The factor of “[u]ndue

1 delay by itself . . . is insufficient to justify denying a motion to amend.” Owens v. Kaiser
2 Foundation Health Plan, Inc., 244 F.3d 708, 712-13 (9th Cir. 2001) (quoting Bowles v. Reade,
3 198 F.3d 752, 757-58 (9th Cir. 1999)).

4 Here, Plaintiff has been attempting to discover the identity of Blonde Nurse Doe #1
5 through discovery for some time. Plaintiff states he has now discovered her identity.

6 Amendment is necessary to substitute the name of the Doe Defendant and initiate service. The
7 Court finds good cause to grant Plaintiff an opportunity to amend the complaint to substitute the
8 name of Blonde Nurse Doe #1.

9 Accordingly, Plaintiff may file an amended complaint, substituting the name of the Doe
10 Defendant, within thirty (30) days of the date of service of this order. The amended complaint
11 shall not make any additional changes. Once the amended complaint is filed, the Court will
12 instruct Plaintiff on service of the newly named Defendant.

13 Failure to comply with this order will result in a recommendation that the Doe Defendant
14 be dismissed.

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17 IT IS SO ORDERED.

18 Dated: August 25, 2015

19 /s/ Dennis L. Beck
20 UNITED STATES MAGISTRATE JUDGE