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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

PAUL WELDON,  
Plaintiff,  
v.  
JERRY DYER, et al.,  
Defendants.

Case No. 1:13-cv-00540-LJO-SAB  
ORDER GRANTING MOTION TO AMEND  
COMPLAINT TO SUBSTITUTE DOE  
DEFENDANTS  
ECF NO. 35

On March 17, 2014, Plaintiff Paul Weldon (“Plaintiff”) filed a motion to amend his complaint for the sole purpose of substituting the three “John Doe” defendants with their proper names. (ECF No. 35.) Plaintiff seeks to substitute three “John Doe” defendants with Defendants Marty Kodman, Robert Kodman, and Beryle Dodson. The Court will grant Plaintiff’s request.<sup>1</sup> The Court will issue summonses for the newly substituted defendants and Plaintiff shall effectuate service of the summonses and the complaint within 120 days from the date of this order. Plaintiff is forewarned that failure to timely serve the summonses and complaint may result in dismissal of this action pursuant to Federal Rule of Civil Procedure 4(m).

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<sup>1</sup> Plaintiff’s lodged Third Amended Complaint appears to be identical to the Second Amended Complaint except with the actual names of the defendants substituted for the John Doe defendants. The Court dismissed certain claims from Plaintiff’s Second Amended Complaint on July 9, 2013. (ECF No. 14.) The Court does not construe the Third Amended Complaint as attempting to reassert these dismissed claims. Accordingly, the Court grants leave to amend solely for the purpose of substituting the John Doe defendants.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Plaintiff's motion to amend is GRANTED (ECF No. 35);
- 3 2. The Clerk of the Court is directed to issue summonses as to Defendants Marty
- 4 Kodman, Robert Kodman, and Beryle Dodson;
- 5 3. Plaintiff shall serve the summonses and copies of the Third Amended Complaint
- 6 on Defendants Marty Kodman, Robert Kodman and Beryle Dodson within 120
- 7 days of the date of this order.

8  
9 IT IS SO ORDERED.

10 Dated: March 19, 2014

  
UNITED STATES MAGISTRATE JUDGE