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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEREMY PINSON,
Plaintiff,
v.
FEDERAL BUREAU OF PRISONS,
Defendant.

Case No. 1:13-cv-1821-AWI-MJS (PC)

ORDER:

(1) TAKING UNDER SUBMISSION MOTION REGARDING COLLECTION OF FILING FEES (ECF No. 14);

(2) GRANTING IN PART AND DENYING IN PART MOTION TO IDENTIFY UNNAMED DEFENDANTS (ECF No. 14);

(3) GRANTING MOTION TO IDENTIFY UNNAMED DEFENDANT (ECF No. 20);

(4) DEEMING FIRST AMENDED COMPLAINT (ECF No. 8) AMENDED TO SUBSTITUTE JESUS A. VALERO IN PLACE OF DEFENANT DOE #1;

(5) DIRECTING CLERK'S OFFICE TO AMEND COURT RECORDS TO REFLECT SUBSTITUTION; AND

(6) DIRECTING PLAINTIFF TO SUBMIT SERVICE DOCUMENTS

THIRTY DAY DEADLINE

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this

1 Privacy Act and civil rights action. (ECF Nos. 8 & 13.)

2 The Court screened Plaintiff's first amended complaint (ECF No. 8), and found
3 that it stated a cognizable Privacy Act claim against the Federal Bureau of Prisons, and
4 cognizable First and Eighth Amendment claims against Defendant John Doe.

5 Plaintiff filed two motions to identify unnamed defendants, which the Court
6 construes as motions to amend the first amended complaint. (ECF Nos. 14 & 20.) The
7 first motion seeks to identify Defendant Doe #1 as "Estrada," and another Doe
8 Defendant as "Jesus A. Valero."¹ (ECF No. 14.) The second motion seeks to identify
9 Defendant Doe #1 as "Jesus A. Valero." (ECF No. 20.)

10 On December 5, 2014, the Court noted that cognizable claims had been alleged
11 against only one Doe defendant (see ECF No. 15), and ordered Plaintiff to notify the
12 Court whether he intended to proceed against "Estrada" or "Jesus A. Valero" as
13 Defendant Doe #1. (ECF No. 35.) Plaintiff responded that he wished to substitute Jesus
14 A. Valero as Defendant Doe #1. (ECF No. 39.)

15 Based on Plaintiff's submissions (ECF Nos. 14, 20, & 39), it appears that Jesus
16 A. Valero is the name of the individual whose actions are at issue in this case.
17 Accordingly, the Court will deem Plaintiff's first amended complaint (ECF No. 8)
18 amended to substitute Jesus A. Valero in place of Defendant Doe #1. Plaintiff's motion
19 to substitute "Estrada" in place of Defendant Doe #1 (ECF No. 14) will be denied.

20 Based on the foregoing, IT IS HEREBY ORDERED that:

- 21 1. Plaintiff's motion regarding collection of filing fees (ECF No. 14) is taken
22 under submission;
- 23 2. Plaintiff's motion to substitute "Estrada" in place of Defendant Doe #1
24 (ECF No. 14) is DENIED;
- 25 3. Plaintiff's motion to substitute Jesus A. Valero in place of Defendant Doe
26 #1 (ECF Nos. 14, 20, and 39) is GRANTED;

27 ¹ The motion also seeks to have filing fees for this and Plaintiff's six other actions deducted from his prison trust
28 account sequentially, rather than simultaneously. The filing fee portion of Plaintiff's motion will be held under
submission and addressed by the Court in a separate order.

- 1 4. Plaintiff's first amended complaint (ECF No. 8) is deemed amended to
2 reflect the substitution of Jesus A. Valero in place of Defendant Doe #1;
3 5. The Clerk 's Office is directed to amend Court records to reflect the
4 substitution;
5 6. Service shall be initiated on the following defendant:
6 **Jesus A. Valero**, Special Investigative Agent at United States
7 Penitentiary, Atwater
8 7. The Clerk of Court shall send Plaintiff one (1) USM-285 form, one (1)
9 summons, a Notice of Submission of Documents form, an instruction
10 sheet, and a copy of the first amended complaint filed December 11,
11 2013;
12 8. Within thirty (30) days from the date of this order, Plaintiff shall complete
13 the attached Notice of Submission of Documents and submit the
14 completed Notice to the Court with the following documents:
15 a. Completed summonses;
16 b. One completed USM-285 form for the defendant listed above; and
17 c. Two (2) copies of the endorsed complaint filed December 11, 2013;
18 9. Plaintiff need not attempt service on the defendant and need not request
19 waiver of service. Upon receipt of the above-described documents, the
20 Court will direct the United States Marshal to serve the above-named
21 defendant pursuant to Federal Rules of Civil Procedure 4 without payment
22 of costs; and
23 10. The failure to comply with this order will result in dismissal of this action.

24 IT IS SO ORDERED.

25 Dated: December 30, 2014

26 /s/ Michael J. Seng
27 UNITED STATES MAGISTRATE JUDGE
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