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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LANCE WILLIAMS,

 Plaintiff,

 v.

WASCO STATE PRISON, et al.,

 Defendants.

CASE NO. 1:14-cv-01714-MJS (PC)

**ORDER DIRECTING PRISON TO
PRODUCE INFORMATION TO ASSIST IN
IDENTIFYING JOHN DOE DEFENDANTS**

(ECF No. 16)

I. PROCEDURAL HISTORY

Plaintiff, Lance Williams, is a state prisoner proceeding *pro se* and in *forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction.

On May 13, 2015, the Court found that Plaintiff had stated cognizable medical indifference claims against two John Doe correctional officers and ordered Plaintiff to identify documents that would enable him to ascertain their identities. (ECF No. 12.) Plaintiff filed a subpoena and declarations in response. (ECF No. 13.) The Court requested Plaintiff to resubmit the subpoena after narrowing its scope and clarifying its contents. (ECF No. 14.) Plaintiff’s amended subpoena, filed June 17, 2015 (ECF No.

16), is now before the Court. The Court will treat it as a motion for discovery and respond accordingly.

II. Request for Identification of Correctional Officers

Plaintiff provides descriptions of the two male John Doe correctional officers who are defendants in this action:

1. John Doe 1 was on duty on D-Yard, Building No. 4, working B-Side cell No. 236 between lights out on April 5, 2014 and dawn on April 6, 2014. Plaintiff describes him as either white or Hispanic, between 5'9" and 6' tall, either balding or having white or grey hair.

2. John Doe 2 was on duty on D-Yard, Building No. 4, working B-Side, cell No. 236 during the second-watch shift between 6 a.m. and 8 a.m. on April 6, 2014. Plaintiff describes John Doe 2 as "older," short, white or Hispanic.

These descriptions clearly suffer from a lack of specificity. However, that shortcoming is compensated in part by the limited number of individuals who likely were on duty at that place during the times specified. Ruling out women, African-Americans, and men more than six feet in height, should narrow the list further.

To enable this legitimate inquiry to proceed, the Court hereby Orders Defendants to provide to the Court, for its *in camera* review, a list of all correctional officers who fall within the above criteria. Upon receipt, the Court will give the parties notice if and how it determines the inquiry may reasonably and productively proceed.

In addition, Defendants shall provide to the Court for its *in camera* review any log entries, grievances, medical request forms, or any other complaints, forms or notations pertaining to Plaintiff on April 5 and 6, 2014, his fall from the bunk, and the injuries he suffered as a result; and a list of correctional officers who signed, authored, or

1 otherwise approved or confirmed the accuracy of reports identifying them as individuals
2 possibly having knowledge of the Doe Defendants' response to Plaintiff's cell on April
3 5th and 6th, 2014.

4 **III. Contact Information of Inmate Dozier and Parolee Kelly**

5 Plaintiff has declared under penalty of perjury that to his belief Inmate Dozier,
6 CDC # AR-9431, at one time housed in D-Yard, Building 4, A-Side, cell No. 122 and
7 Parolee Jerry Kelly, Plaintiff's former cellmate in D-Yard, Building 4, B-Side, cell No.
8 236, were witnesses to Plaintiff's interactions with Does 1 and 2 on April 5-6, 2014 and
9 could help identify them.

10 Defendants shall forthwith, and in no event later than 21 days from the date of
11 this Order, provide to Plaintiff Dozier's current contact information, the name of Kelly's
12 parole officer, and Kelly's last known contact information. This Order does not relieve
13 Plaintiff of his obligations to ensure compliance with the procedures for inmate contact
14 with a parolee or other inmate under Cal. Code Regs., tit. 15 § 3139.

15 **IV. CONCLUSION & ORDER**

16 Accordingly, the Court HEREBY ORDERS:

- 17
- 18 1. Plaintiff's requests for information (ECF No. 16) are granted in part;
 - 19 2. Wasco State Prison is directed to provide, for the Court's *in camera* review:
 - 20 a. the names of any correctional officers meeting Plaintiff's description;
 - 21 b. any log entries, grievances, or other forms pertaining to Plaintiff's fall
22 from his bunk or the Doe Defendants' response to Plaintiff's cell on April
23 5 and 6, 2014;
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c. the names of any correctional officers identified as witnesses to or
having knowledge of the Doe Defendants' response to Plaintiff's cell on
April 5 and 6, 2014; and

3. Wasco State Prison is directed to provide Plaintiff with the contact information
of Inmate Dozier and Parolee Kelly.

IT IS SO ORDERED.

Dated: July 13, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE