



1 On January 3, 2017, Plaintiff filed a first amended complaint, in which he has named LVN  
2 Jane Doe as a defendant. (ECF No. 19.) The Court's screening order on the first amended complaint  
3 will be issued in due course.

4 **II. Motion for Early Discovery**

5 Plaintiff asserts that he has attempted to discover the identity of LVN Jane Doe by requesting  
6 his medical records, and sending requests for information to a health records supervisor and a  
7 registered nurse who supervised LVN Jane Doe. However, Plaintiff has not yet determined LVN Jane  
8 Doe's identity. Plaintiff seeks leave to issue an interrogatory or request for production to the custodian  
9 of records at Corcoran State Prison to obtain certain log books that he believes may help him identify  
10 LVN Jane Doe. He notes that he was warned in the Court's November 15, 2016 screening order that it  
11 is his burden to identify any Doe defendants.

12 Generally, a party may not conduct discovery before being authorized by the Federal Rules of  
13 Civil Procedure, by court order, or by stipulation. See Fed. R. Civ. P. 26(d)(1). The Ninth Circuit has  
14 held that courts may grant a plaintiff leave to take early discovery to determine a defendant's identity,  
15 unless the discovery would not uncover the defendant's identity, or the complaint may be dismissed on  
16 other grounds. See Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980).

17 In this case, the Court does not find it appropriate to permit the early discovery requested by  
18 Plaintiff. His first amended complaint is still in the screening stage, and thus this case does not yet  
19 proceed on a viable complaint. Further, the Court will permit Plaintiff an opportunity to seek  
20 discovery of LVN Jane Doe in the normal course of discovery.

21 Accordingly, Plaintiff's motion requesting early discovery, filed January 3, 2017 (ECF No. 18)  
22 is DENIED.

23  
24 IT IS SO ORDERED.

25 Dated: April 20, 2017

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE  
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