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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA

5 BRIAN CAPUTO,

6 Plaintiff,

7 v.

8 GONZALES and DOE(S),

9 Defendants.

Case No. 1:15-cv-01008-EPG (PC)

10
11 REQUEST FOR THE OFFICE OF THE
12 ATTORNEY GENERAL TO PROVIDE
13 SERVICE ADDRESS FOR
14 DEFENDANT OSCAR GONZALES

15
16 Brian Caputo (“Plaintiff”) is a prisoner¹ proceeding *pro se* and *in forma pauperis* in this
17 civil rights action filed pursuant to 42 U.S.C. § 1983.

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19 This case is currently proceeding on Plaintiff’s claims for violation of his Fourteenth
20 Amendment due process rights against Doe Defendant(s), for retaliation in violation of the First
21 Amendment against defendant Gonzales, and for excessive force in violation of the Fourteenth
22 Amendment against defendant Gonzales.

23
24 On June 29, 2017, the summons for defendant Gonzales was returned unexecuted.
25 (ECF No. 49). Plaintiff requested the issuance of a subpoena upon Kern County Sheriff’s
26 Office, and his request was granted (ECF No. 51). In responding to the subpoena, Kern County
27 Sheriff’s Office identified what it believed to be the full name of defendant Gonzales (Oscar
28 Gonzales) and directed Plaintiff to the California Department of Corrections and Rehabilitation
to get a current address. (ECF No. 66, p. 9).

Given this information, in the interest of preserving resources and maximizing
efficiency, and to avoid a formal discovery request, the Court will first request that the Office
of the Attorney General provide an address for service for defendant Oscar Gonzales.

In the event that the Office of the Attorney General does not provide sufficient

¹ At the time of the incidents alleged in the complaint, Plaintiff was detained at Kern County Jail. He is now incarcerated at FCI Marianna.

1 information, the Court may allow Plaintiff to request the issuance of a subpoena *duces tecum* so
2 that he can request all documents regarding defendant Gonzales's contact information (the
3 Court recognizes that such discovery may pose privacy issues, which would necessitate *in*
4 *camera* review or sealing of documents).

5 Therefore, the Court REQUESTS that, within twenty-one (21) days from the date of
6 service of this order, the Office of the Attorney General respond with the address for service for
7 defendant Oscar Gonzales.² (The Court does not have information regarding Mr. Gonzales'
8 current employment, besides the fact that it is allegedly with the CDCR. Defendant Gonzales
9 was a deputy at Kern County Sheriff's Office at the time of the incident alleged in the
10 complaint, which occurred on May 4, 2016.)

11 Alternatively, the Office of the Attorney General may file a statement that it chooses
12 not to provide such information.³

13 Additionally, IT IS HEREBY ORDERED that the Clerk of Court is directed to serve
14 Senior Assistant Attorney General Monica Anderson with a copy of this order.

15
16 IT IS SO ORDERED.

17 Dated: November 15, 2017

18 /s/ Eric P. Gray
19 UNITED STATES MAGISTRATE JUDGE

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26 _____
27 ² If the Office of the Attorney General has concerns about providing an address (or addresses) for
28 defendant Gonzales, it may submit that information *in camera* or under seal such that the Court can issue relevant
summonses.

³ No sanctions will result from a failure to abide by this informal request, but note that the Court may
allow document discovery as discussed above.