UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRIAN CAPUTO, Plaintiff, v. GONZALES and DOE(S), Defendants.	Case No. 1:15-cv-01008-EPG (PC) ORDER DENYING PLAINTIFF'S MOTION FOR SANCTIONS (ECF NO. 68)

Brian Caputo ("Plaintiff") is a prisoner[1] proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On November 14, 2017, Plaintiff filed another motion for sanctions. (ECF No. 68). Plaintiff alleges that Kern County Sheriff's Office did not properly respond to Plaintiff's subpoena, but it is not entirely clear why. In his subpoena, Plaintiff sought documents that would allow him to identify the full name of the defendant Plaintiff identified as Gonzalez. (See ECF No. 51, p. 2). While Plaintiff is correct in pointing out that Kern County Sheriff's Office stated that it had difficulty identifying the defendant Plaintiff listed as Gonzalez, it did provide the name of Oscar Gonzales, who it believes to be the only Gonzales that was working at the relevant time. (ECF No. 66, p. 9). Plaintiff has also stated that there was only one Gonzales working at the relevant time. (ECF No. 68). Therefore, it appears that Kern County Sheriff's Office substantially complied with the portion of the subpoena requesting documents that would allow Plaintiff to identify the full name of defendant Gonzales, and that there is no need for sanctions.

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[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.

Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff's motion for sanctions (ECF No. 68) is DENIED.

IT IS SO ORDERED.

Dated: **November 16, 2017**

/s/ Eric P. Grosjean
UNITED STATES MAGISTRATE JUDGE