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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 BRIAN CAPUTO,
10 Plaintiff,
11 v.
12 GONZALES, et al.,
13 Defendants.

Case No. 1:15-cv-01008-LJO-EPG (PC)
ORDER DENYING PLAINTIFF'S
MOTION TO ADD DEPUTY
DELGADO AS DOE DEFENDANT
(ECF NO. 90)

14 Brian Caputo ("Plaintiff") is a prisoner¹ proceeding *pro se* and *in forma pauperis* in this
15 civil rights action filed pursuant to 42 U.S.C. § 1983. On November 27, 2017, Plaintiff filed a
16 motion to substitute Sgt. Black and Deputy Delgado in place of Doe defendants. (ECF No. 72).
17 On December 26, 2017, the Court granted the request as to Sgt. Black, but denied it as to
18 Deputy Delgado because it appeared that "Deputy Delgado had nothing to do with Plaintiff's
19 Fourteenth Amendment due process claim," which is the claim that is proceeding against Doe
20 defendants. (ECF No. 75, pgs. 2-3). While the Court denied the motion as to Deputy Delgado,
21 the Court did grant Plaintiff leave to amend his complaint if he wanted to add a claim against
22 Deputy Delgado. (*Id.*). Plaintiff did not file an amended complaint.

23 On April 12, 2018, Plaintiff filed another motion to add Deputy Delgado in place of a
24 Doe defendant. (ECF No. 90). Based on the allegations in the motion, it still appears that
25 Deputy Delgado had nothing to do with the alleged denial of Plaintiff's Fourteenth Amendment
26 due process rights. As Plaintiff is asking for the same relief the Court already denied,
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28 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 Plaintiff's request will be denied for the reasons laid out in the Court's prior order.

2 Accordingly, for the reasons laid out in the Court's prior order (ECF No. 75), IT IS
3 ORDERED that Plaintiff's motion to add Deputy Delgado in place of a Doe defendant is
4 DENIED.

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6 IT IS SO ORDERED.

7 Dated: April 13, 2018

8 /s/ Eric P. Groj
9 UNITED STATES MAGISTRATE JUDGE