



1 Court granted Plaintiff a final opportunity to file written notice identifying Doe Defendants or a  
2 response stating why he is unable to do so. (ECF No. 19.)

3 On October 5, 2017, Plaintiff filed the instant response to the Court's September 21, 2017  
4 order to show cause. (ECF No. 21.) Plaintiff states that he has no way of discovering the names  
5 of the Doe Defendants until discovery is open in this case, and once discovery is open he will be  
6 able to obtain the names of the Doe Defendants through discovery requests to the Defendant.  
7 Plaintiff further states that he believes good cause exists to extend the time to identify the Doe  
8 Defendants until 60 to 90 days after discovery begins. (Id.) The Court directed the U.S. Marshals  
9 Service to serve Defendant Maldonado on September 29, 2017, the day Plaintiff submitted the  
10 appropriate service documents. Thus, the deadline for service by the U.S. Marshals Service is  
11 January 2, 2018. (ECF No. 20.)

12 The burden is on Plaintiff to discover the identity of the Doe Defendants, and to amend his  
13 complaint to substitute a name for each of the unnamed correctional officers. At this time, the  
14 Court declines to wait until Defendant Maldonado is served to seek the identity of the Doe  
15 Defendants, and disagrees that their names are "unattainable" until that time.

16 Therefore, Plaintiff will be permitted forty-five (45) days to either file a motion to  
17 substitute the Doe Defendants, or file a status report explaining the actions he took to locate the  
18 name of Doe Defendants. Any extension of that period will require a showing of good cause, and  
19 a failure to comply with that order shall result in a dismissal of the Doe Defendants. Thus,  
20 Plaintiff should seek to discover the identity of Doe Defendants and move to substitute their  
21 names into the case as soon as possible. Plaintiff may be able to locate names from incident  
22 reports, Rules Violation Reports, his central file, or other documents available for Plaintiff to  
23 review.

24 Based on the foregoing, it is HEREBY ORDERED that:

- 25 1. The Order to Show Cause issued on September 21, 2017 (ECF No. 15), is  
26 DISCHARGED;
- 27 2. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL either:  
28 a. File a file a motion to substitute the identities of the Doe Defendants, or

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- b. File a status report explaining the actions he took to locate the names of Doe Defendants;
- 3. Any extension of the deadline set in this order must be sought from the Court before the deadline expires, and must be supported by a showing of good cause;
- 4. **If Plaintiff fails to comply with this order, the Court will dismiss the Doe Defendants for failure to obey a court order and failure to prosecute.**

IT IS SO ORDERED.

Dated: October 6, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE