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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP J. LONG,
Plaintiff,
v.
CORIZON HEALTH, INC., et al.,
Defendants.

CASE NO. 1:17-cv-0898-LJO-JLT (PC)
**ORDER GRANTING PLAINTIFF 90 DAYS
TO IDENTIFY JANE DOE**

This action proceeds against a single Jane Doe defendant on an Eighth Amendment claim. (Docs. 11, 12.) Although plaintiff has stated a claim against Jane Doe, the Court will not require service on this defendant at this time. The Ninth Circuit has held that where identity is unknown prior to the filing of a complaint, the plaintiff should be given an opportunity through discovery to identify the unknown defendants unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds. Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999) (citing Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)).

Accordingly, the Court **GRANTS** plaintiff 90 days in which to discover the name of Jane Doe through subpoena or otherwise, and to substitute this defendant’s actual name by filing a “notice of substitution.” See Wakefield, 177 F.3d at 1163. If, within 90 days, plaintiff fails to file a notice of substitution that provides the actual name of Jane Doe, the Court will recommend

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dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: February 14, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE