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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHESTER RAY WISEMAN,
Plaintiff,
v.
DOE, et al.,
Defendants.

Case No. 1:17-cv-01166-AWI-JLT (PC)
ORDER AMENDING THE COMPLAINT
SUBSTITUTING TRUE NAMES FOR DOE
DEFENDANTS
(Docs. 10, 13, 15, 16)

Plaintiff recently submitted information providing the true identities of the defendants in this action in which he states that “J. Gonzalez” is John Doe #1 and “J. Haro” is John Doe #2. (Doc. 16) The Court construes this as a motion to amend the Complaint.

Under Rule 15(a), a plaintiff may amend his complaint once “as a matter of course,” and without leave of court, before a response has been filed. Fed.R.Civ.P. 15(a)(1); *Bonin v. Calderon*, 59 F.3d 815, 845 (9th Cir.1995). Conversely, once a responsive pleading has been filed, a party may only amend the pleading with the opposing party’s written consent or leave of court. Fed.R.Civ.P. 15(a) (2).

In this case, the Court has directed the USMS to serve the complaint in this action on Doe #1 and Doe #2 based on the physical descriptions Plaintiff provided previously, (*see* Docs. 11-15), but neither defendant has filed a responsive pleading. Permitting the substitution of “J. Gonzalez” in place and instead of John Doe #1 and “J. Haro” in place and instead of John Doe #2

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is appropriate. Accordingly, the Court **ORDERS**:

- (1) “J. Gonzalez” is hereby substituted in place and instead of Defendant “John Doe #1”;
- (2) “J. Haro” is hereby substituted in place and instead of Defendant “John Doe #2”; and
- (3) the Clerk of the Court is directed to:
 - a. update the docket of this action to reflect these substitutions,
 - b. change the name of this case to “*Chester Ray Wiseman v. J. Gonzalez, et al.*”;
 - c. and to forward this order to the USM to be utilized in service of the Complaint on the defendants in this action.

IT IS SO ORDERED.

Dated: June 5, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE