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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
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9	CHARLES B. JONES,	Case No. 1:17-cv-01311-LJO-SKO (PC)	
10	Plaintiff,	ORDER ON PLAINTIFF'S MOTION TO PROCEED	
11	V.	(Doc. 18)	
12	M. OLIVEIRA, et al.,	TWENTY-ONE (21) DAY DEADLINE	
13	Defendants.		
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15	Plaintiff, Charles B. Jones, is a state prisoner proceeding <i>pro se</i> and <i>in forma pauperis</i> in		
16	this civil rights action pursuant to 42 U.S.C. § 1983. On May 15, 2018, the Court issued an order		
17	finding that Plaintiff stated a cognizable retaliation claim against Defendants J. Garcia, Ortega,		
18	John Doe #1, and John Doe #3, but granted Plaintiff leave to file a first amended complaint curing		
19	identified deficiencies. (Doc. 13.) Plaintiff was directed to either file a first amended complaint,		
20	or a statement indicating that he desired to proceed solely on the cognizable retaliation claim		
21	against the four Defendants identified, dismissing all other claims and defendants. (Id.)		
22	Plaintiff requested and received an extension of time to file a first amended complaint.		
23	(Docs. 14, 15.) Following the passage of more than the allowed time without Plaintiff having		
24	filed a response, on July 26, 2018, an order issued for Plaintiff to show cause why the action		
25	should not be dismissed for his failure to comply with the court's order. (Doc. 17.)		
26	In response, Plaintiff filed a motion apologizing for his delayed response and requesting to		
27	proceed on the retaliation claim identified in the screening order against Defendants "J. Garcia, J.		
28	Ortega, <u>J. Mendez</u> , and John Doe #3." (Doc. 18 (emphasis added).) It appears that Plaintiff has		
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1	ascertained that the true name of John Doe #1 is "J. Mendez." However, Plaintiff did not state as		
2	much in his motion. If "J. Mendez" is the true name of John Doe #1, Plaintiff must amend the		
3	Complaint to reflect this correction.		
4	The Court provides Plaintiff with opportunity to amend to insert "J. Mendez" in place and		
5	instead of "John Doe #1." Noll v. Carlson, 809 F.2d 1446, 1448-49 (9th Cir. 1987).		
6	Accordingly, a copy of the Complaint will be sent to Plaintiff with this order, and he is granted		
7	leave to draw a line through "John Doe #1" and write "J. Mendez" where Plaintiff's allegations		
8	are attributable to "J. Mendez." Plaintiff should also write "FIRST AMENDED" above the case		
9	number on the first page of the corrected Complaint. By so doing, Plaintiff will voluntarily		
10	dismiss all claims and defendants other than the retaliation claims identified as cognizable in the		
11	First Screening Order (Doc. 13).		
12	Accordingly, it is HEREBY ORDERED that:		
13	1.	Plaintiff's motion, filed on August 6, 2018, (Doc. 18), to proceed on the retaliation	
14		claim identified in the First Screening Order is GRANTED;	
15	2.	The Clerk of the Court is directed to send Plaintiff a copy of the Complaint, filed	
16		on October 2, 2018, (Doc. 1);	
17	3.	Within twenty-one (21) days of the date of service of this order, Plaintiff SHALL	
18		file a first amended complaint striking "John Doe #1," and setting forth "J.	
19		Mendez," where appropriate; and	
20	4.	If Plaintiff fails to comply with this order, recommendation will issue for this	
21		action to be dismissed for Plaintiff's failure to obey a court order.	
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23 IT IS SO ORDERED.		JERED.	
24	Dated: Se	ptember 30, 2018 s Sheila K. Oberto	
25		UNITED STATES MAGISTRATE JUDGE	
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