

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATHANIEL MARCUS GANN,

Plaintiff,

v.

KOKOR, *et al.*,

Defendants.

Case No. 1:18-cv-00084-AWI-BAM (PC)

ORDER RESETTING DEADLINE FOR
PLAINTIFF TO FILE SECOND AMENDED
COMPLAINT WITH INFORMATION
IDENTIFYING DEFENDANTS DOE 1, DOE
2, AND DOE 3

THIRTY (30) DAY DEADLINE

Plaintiff Nathaniel Marcus Gann ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Doe 1, Doe 2, and Doe 3 for deliberate indifference to serious medical needs in violation of the Eighth Amendment.

On June 23, 2021, the Court granted Plaintiff's request for a subpoena duces tecum directing the Warden of CSATF to produce "The Medical Staff Sign-In for 2nd Watch for December 21, 22, and 23 for the year 2015 for Facility E, including titles such as RN, LVN, P&S, etc." to allow Plaintiff the opportunity to locate the identities of the Doe Defendants. (ECF No. 32.) After receiving the Warden's response, Plaintiff filed a motion to compel compliance with the subpoena. (ECF No. 34.) The Court granted the motion in part on July 15, 2021, finding that a further response was appropriate to allow the Warden of CSATF to either produce the requested documents or to provide further explanation as to the extent of the search for the requested

1 records. (ECF No. 35.) The Court found that sanctions were not warranted at that time and
2 vacated the deadline for Plaintiff to provide the names of the Doe Defendants, to be reset
3 following resolution of the subpoena. (*Id.*)

4 Currently before the Court is a response from the Litigation Coordinator of CSATF, filed
5 July 30, 2021. (ECF No. 37.) In the response, the Litigation Coordinator confirms that the
6 requested records were located after a second search that included a search beyond the facility's
7 electronic records system. The requested records were mailed to Plaintiff on July 27, 2021 and
8 are also attached to the response filed with the Court. (*Id.*)

9 Based on this response, it appears Plaintiff has now received the requested records in
10 compliance with the subpoena duces tecum. The Court therefore finds it appropriate to grant
11 Plaintiff leave to file an amended complaint and to reset the deadline for Plaintiff to file a second
12 amended complaint identifying Defendants Doe 1, Doe 2, and Doe 3. Once the Court has
13 received enough information to locate the defendants for service of process, the Court will issue
14 an order directing service on the defendants.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file a
17 Second Amended Complaint substituting the names of Defendants Doe 1, Doe 2,
18 and Doe 3 and providing enough information to locate the defendants for service
19 of process; and
- 20 2. **If Plaintiff fails to comply with this order, this action will be dismissed for**
21 **failure to prosecute and failure to obey a court order.**

22
23 IT IS SO ORDERED.

24 Dated: August 9, 2021

/s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE