



1 John and Jane Does 1–25 employed at DSH-Coalinga that provided the Court with enough  
2 information to locate them for service of process. (ECF No. 13.) The Magistrate Judge granted  
3 several extensions of this deadline, up to and including September 1, 2022. (ECF Nos. 21, 36.)  
4 Plaintiff was repeatedly warned that failure to file an amended complaint identifying the Doe  
5 Defendants would result in dismissal of any unidentified Doe Defendants from this action. (ECF  
6 No. 13, p. 4; ECF No. 36, p. 4.)

7 Following Plaintiff’s failure to file a motion to amend or a proposed amended complaint  
8 which provided identifying information for any of the Doe Defendants, on September 16, 2022,  
9 the Magistrate Judge issued findings and recommendations to dismiss Defendants John and Jane  
10 Does 1–25 employed at DSH and Defendants John and Jane Does 1–25 employed at DSH-  
11 Coalinga from this action, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).  
12 (ECF No. 46.) Those findings and recommendations were served on Plaintiff and contained  
13 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at  
14 3.)

15 On October 3, 2022, Plaintiff filed a “Memorandum” to the Court indicating that he  
16 received the findings and recommendations and stating that he had filed a motion to amend on  
17 November 19, 2021. (ECF No. 51.) The Magistrate Judge construed Plaintiff’s Memorandum as  
18 a request for extension of time to file objections to the findings and recommendations. (ECF No.  
19 52.) The Magistrate Judge further clarified that the Court received Plaintiff’s November 19, 2021  
20 motion to amend, which was filed with the Court on December 27, 2021. (ECF No. 33.) The  
21 motion was denied on June 30, 2022, without prejudice, because Plaintiff had merely attached a  
22 photocopy of the original complaint, and it included no new identifying information for any of the  
23 Doe Defendants. (ECF No. 36, p. 3.) Based on that discussion, the Magistrate Judge permitted  
24 Plaintiff “additional time to file **objections** to the pending findings and recommendations” but  
25 stated that “Plaintiff should **not** file an additional copy of his November 19, 2021 motion to  
26 amend, as the Court has already reviewed and rejected the arguments contained in that filing.”  
27 (ECF No. 52, p. 3.) Plaintiff was reminded of this limitation again in the Magistrate Judge’s  
28 October 20, 2022 order denying Plaintiff’s further motion for extension of time as moot. (ECF

1 No. 57, pp. 2–3.)

2 In lieu of objections, on October 20, 2022, Plaintiff filed several new motions. (ECF Nos.  
3 58, 59.) Plaintiff did not otherwise file objections to the Magistrate Judge’s findings and  
4 recommendations.

5 Plaintiff’s motions renew his various requests for *in forma pauperis* status, appointment of  
6 counsel, and extension of time to identify the Doe Defendants. (ECF Nos. 58, 59.) In addition,  
7 despite the Magistrate Judge’s repeated warnings, Plaintiff submitted another copy of his  
8 November 19, 2021 motion to amend (filed on December 27, 2021 at ECF No. 33). (ECF No. 59,  
9 pp. 1–6.) The re-filed motion to amend, despite the addition of new exhibits and attachments,  
10 again fails to provide any new information that would assist the Court in identifying the Doe  
11 Defendants for service of process.

12 Upon review of the filings, the Court finds no basis warranting rejection of the Magistrate  
13 Judge’s findings and recommendations. The motions for *in forma pauperis* status and  
14 appointment of counsel have been repeatedly rejected, (ECF Nos. 10, 21, 25, 36, 39, 57), and  
15 Plaintiff has provided no new arguments in support of those requests. As discussed in the  
16 findings and recommendations, Plaintiff was permitted multiple opportunities to provide  
17 sufficient information to identify the Doe Defendants, during which time Plaintiff failed to  
18 comply with Court orders. Although Plaintiff claims to have submitted Public Records Act  
19 Inspection Requests regarding the identities of the Doe Defendants, (ECF No. 59, p. 33–35), there  
20 is no indication that requests were ever submitted to the appropriate records agencies, or if they  
21 were, that they were actually received.

22 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a  
23 *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff’s  
24 objections and motions, the Court concludes that the Magistrate Judge’s findings and  
25 recommendations are supported by the record and by proper analysis.

26 Accordingly, IT IS HEREBY ORDERED that:

- 27 1. The findings and recommendations issued on September 16, 2022, (ECF No. 46), are  
28 adopted in full;

- 1 2. Plaintiff's motions for extension of time and to amend, (ECF Nos. 58, 59), are denied;
- 2 3. Defendants John and Jane Does 1–25 employed at DSH and Defendants John and Jane
- 3 Does 1–25 employed at DSH – Coalinga are dismissed from this action, without
- 4 prejudice, pursuant to Federal Rule of Civil Procedure 4(m);
- 5 4. This action shall proceed against Defendants California Department of State Hospitals
- 6 (“DSH”), Department of State Hospitals – Coalinga (“DSH – Coalinga”), Stephanie
- 7 Clendenin, Brandon Price, Francis Hicks, and Matthew Zelt; and
- 8 5. This matter is referred back to the Magistrate Judge for further proceedings consistent
- 9 with this order.

10 IT IS SO ORDERED.

11 Dated: April 7, 2023

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13 SENIOR DISTRICT JUDGE

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