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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 LEOBARDO ERIC RAMOS,
11 Plaintiff,
12 v.
13 MAYFIELD, et al.,
14 Defendants.

Case No. 1:21-cv-01036-ADA-EPG (PC)
ORDER REQUIRING DEFENDANT
MAYFIELD TO RESPOND TO
PLAINTIFF'S DISCOVERY REQUESTS
AND DENYING PLAINTIFF'S
MOTION TO SUBSTITUTE WITHOUT
PREJUDICE
(ECF No. 77)

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16 Leobardo Ramos ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*
17 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is proceeding
18 on Plaintiff's Eighth Amendment excessive force claim against defendant Mayfield and
19 defendant Doe. (ECF Nos. 10 & 21).

20 On January 13, 2023, Plaintiff filed a document titled "motion to substitute the named
21 individuals in place of Defendant DOE." (ECF No. 77). However, Plaintiff does not ask the
22 Court to substitute a named individual in place of Defendant Doe or identify defendant Doe.
23 Instead, he includes discovery requests so that he can identify "about 4-5 people." (*Id.* at 1).
24 Accordingly, the Court will direct defendant Mayfield to file a response to the discovery
25 requests. Additionally, as Plaintiff is requesting discovery from defendant Mayfield and not
26 asking the Court to substitute a named individual in place of defendant Doe, the Court will
27 deny Plaintiff's motion to substitute without prejudice.

28 The Court notes that if Plaintiff needs additional time to file a motion to substitute the

1 named individual in place of defendant Doe, Plaintiff should file a motion for an extension of
2 time.

3 The Court also notes that this case is only proceeding against one Doe defendant who
4 allegedly used force on Plaintiff during the same incident as defendant Mayfield. (ECF Nos.
5 12 & 21). If Plaintiff files a motion to substitute, it is this defendant that Plaintiff must identify.

6 Accordingly, based on the foregoing, IT IS ORDERED that:

- 7 1. Defendant Mayfield has thirty days from the date of service of this order to
8 serve Plaintiff with responses to the discovery requests included in Plaintiff's
9 motion to substitute (ECF No. 77).
- 10 2. Plaintiff's motion to substitute (ECF No. 77) is denied, without prejudice.

11 IT IS SO ORDERED.
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13 Dated: January 17, 2023

14 /s/ Eric P. Gray
15 UNITED STATES MAGISTRATE JUDGE
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