

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERIE LEMIRE, individually and as )  
personal representative for the )  
ESTATE OF ROBERT ST. JOVITE; )  
GERARD CHARLES ST. JOVITE; and )  
NICOLE ST. JOVITE, )

2:08-cv-00455-GEB-EFB

Plaintiffs, )

ORDER

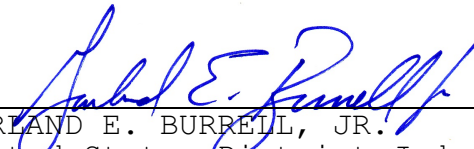
v. )

ARNOLD SCHWARTZENEGGER, )  
individually and in his official )  
capacity as Governor of the State )  
of California; CALIFORNIA )  
DEPARTMENT OF CORRECTIONS AND )  
REHABILITATION (CDCR); JAMES E. )  
TILTON, individually and in his )  
official capacity as Secretary of )  
CDCR; TOM L. CARY and D. K. SISTO, )  
individually and in their official )  
capacities as Warden of CSP-Solano;) )  
Correctional Officers REBECCA )  
CAHOON, ALFREDO ALCARAZ, and )  
RAYMOND WADE, individually and in )  
their official capacities as )  
Correctional Officers; Sgts. )  
CHERYL ORRICK and GALE MARTINEZ, )  
individually and in their official )  
capacities as Correctional )  
Officers; LT. GORDON WONG, )  
individually and in his official )  
capacity; SHABREEN HAK, )  
individually and in her official )  
capacity; ALVARO C. TRAQUINA M.D., )  
individually and in his official )

1 capacity as Chief Medical )  
Officer/Health Care Manager; )  
2 DR. ALFREDO NORIEGA, individually )  
and in his official capacities; )  
3 DR. DUSAY, individually and in his )  
official capacities; and CAPT. )  
4 JAMES NEURING, individually and in )  
his official capacities, )  
5 )  
Defendants. )

6  
7 On December 10, 2008, Plaintiffs filed a motion in which  
8 they seek leave to file the proposed Second Amended Complaint attached  
9 to their motion.<sup>1</sup> Plaintiffs seek leave to name eight Defendants as  
10 substitutes for Doe Defendants. The motion is unopposed. Plaintiffs  
11 are granted five days leave from the date on which this Order is filed  
12 within which to file an amended complaint containing the allegations  
13 against the parties named in their proposed Second Amended Complaint,  
14 except the proposed Doe Defendants may not be included. Plaintiffs  
15 were informed in the Order filed on September 8, 2008, which provided  
16 Plaintiffs leave to substitute named Defendants for Doe Defendants,  
17 "If leave is not sought as stated, the Doe [D]efendants shall be  
18 dismissed."

19 Dated: January 6, 2009

20  
21   
22 \_\_\_\_\_  
GARLAND E. BURRELL, JR.  
United States District Judge

23  
24  
25  
26  
27  
28 \_\_\_\_\_  
<sup>1</sup> This motion was determined to be suitable for decision without  
oral argument. L.R. 78-230(h).