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United States District Court
For the Northern District of California

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

GREAT AMERICAN INSURANCE CO,

No. C-08-4639 MMC

Plaintiff,

**ORDER STRIKING AMENDMENT TO
COMPLAINT**

v.

THEODORE THOMAS KEVIN RIVAS, et al.,

Defendants.

Before the Court is plaintiff’s “Amendment to Complaint in Interpleader,” filed October 23, 2008. By said document, plaintiff seeks to amend the complaint to add a new defendant by purporting to substitute such defendant for a “Doe” defendant referenced in the complaint.

In federal court, “[a]s a general rule, the use of ‘John Doe’ to identify a defendant is not favored.” See Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980). Even where a defendant is properly identified as a “Doe,” when the plaintiff thereafter seeks to substitute a named defendant, the proper procedure is to file an amended complaint to add the new defendant and delete the “Doe” defendant. See, e.g., Lindley v. General Elec. Co., 780 F.2d 797, 801-02 (9th Cir. 1986) (holding plaintiff properly substituted named defendant for “Doe” defendant where plaintiff filed amended complaint adding named defendant and eliminating “Doe” as party; noting “[f]ederal procedure permitted plaintiffs to do no more”).

