

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cuong Huy Dao v. M. Bravo, et al.

Dao v. Bravo · No. 1:25-cv-00970-HBK (PC) · Decided September 15, 2025

SUMMARY

This order in a prisoner civil-rights action grants Plaintiff Cuong Huy Dao 90 days to discover and identify two unidentified correctional officers allegedly involved in an Eighth Amendment excessive-force claim. The Court discusses limited discovery, subpoenas, and alternative methods for identifying the John Doe defendants, and directs Plaintiff to file a notice of substitution. Failure to identify and substitute the defendants within 90 days will result in a recommendation that they be dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
DECIDED	September 15, 2025
DOCKET	1:25-cv-00970-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se, in forma pauperis prisoner brought a 42 U.S.C. § 1983 action alleging Eighth Amendment violations. After screening the complaint and authorizing service on identified defendants, the court addressed how Plaintiff could identify two unnamed correctional officers.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Cuong Huy Dao v. M. Bravo, et al.

TOPICS

- discovery dispute service of process prisoners rights section 1983 civil procedure

PRACTICE AREAS

- Civil rights Prisoner civil rights Federal civil procedure

QUESTIONS PRESENTED

1. Whether a pro se prisoner should be afforded limited discovery to identify unknown correctional officers named as John Doe defendants.
2. What procedures and limitations govern Plaintiff's potential use of a subpoena duces tecum to obtain the identities of the John Doe defendants.
3. Whether Plaintiff should be given a deadline to substitute the actual names of the John Doe defendants, subject to dismissal without prejudice if he fails to do so.

HOLDINGS

1. When the identities of defendants are unknown before a complaint is filed, the plaintiff should be given an opportunity through discovery to identify them unless it is clear that discovery would not uncover their identities or that the complaint would be dismissed on other grounds.
2. Any motion by an in forma pauperis plaintiff for issuance of a subpoena duces tecum must clearly identify the documents sought and show that the records are obtainable only through the identified third party; the court must also consider relevance and the burden and expense imposed on the nonparty.
3. Plaintiff is granted 90 days to discover and provide the actual names of the two John Doe defendants and file a notice of substitution; failure to do so may result in a recommendation that the claims against those individuals be dismissed without prejudice.

KEY QUOTATIONS

“The Ninth Circuit has held that where identity is unknown prior to the filing of a complaint, the plaintiff should be given an opportunity through discovery to identify the unknown defendants unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds.” (at 2)

“The Court GRANTS Plaintiff ninety (90) days in which to discover the actual names of two Unidentified Correctional Officers or John Does, through subpoena or otherwise, and to substitute these defendants’ actual names by filing a “notice of substitution.”” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that two unidentified correctional officers at North Kern State Prison participated with other correctional officers in using excessive force during his escort to medical on or about August 21 or 22, 2024. The officers' identities were unknown when the complaint was filed. The court determined that discovery might reveal their identities and that dismissal of the claims against them was not otherwise clearly required.

PROCEDURAL HISTORY

The court screened the complaint and found cognizable Eighth Amendment excessive-force claims against several defendants, including two unidentified correctional officers, and cognizable medical-deliberate-indifference claims against other defendants. Plaintiff elected to stand on the complaint as screened, thereby abandoning the noncognizable claims, and the court directed service on the identified defendants. The court then ordered that Plaintiff receive 90 days to identify and substitute the names of the two John Doe defendants, warning that failure to do so could result in a recommendation of dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Crowley v. Bannister, 734 F.3d 967, 978 (9th Cir. 2013)
- Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Johnson v. Spearman, No. 2:19-cv-1093 JAM KJN P, 2020 WL 7405693, at *2 n.3 (E.D. Cal. Dec. 17, 2020)
- Reyes v. Flores, No. 1:16-cv-00586-DAD-JLT (PC), 2018 WL 3968245, at *10 (E.D. Cal. Aug. 16, 2019)
- Austin v. Winett, No. 1:04-cv-05104-DLB PC, 2008 WL 5213414, at *1 (E.D. Cal. Dec. 12, 2008)
- Davis v. Ramen, No. 1:06-cv-01216-AWI-SKO (PC), 2010 WL 1948560, at *1 (E.D. Cal. May 11, 2010)
- Williams v. Adams, No. 1:05-cv-00124-AWI-SMS (PC), 2010 WL 148703, at *1 (E.D. Cal. Jan. 14, 2010)
- Badman v. Stark, 139 F.R.D. 601, 605 (M.D. Pa. 1991)
- Thompson v. Allison, No. 23-cv-05079-HSG, 2024 WL 4394759, at *3 (N.D. Cal. Oct. 3, 2024)

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