

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hector Martin Prieto v. John Doe 1 and John Doe 2

Prieto · No. 1:25-cv-00650-HBK (PC) · Decided December 9, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiff Hector Martin Prieto’s motion to substitute named defendants for John Doe defendants in his 42 U.S.C. § 1983 action. The court substitutes Correctional Sergeant Peter Dominguez for John Doe 1 and Correctional Officer Jose Herrera for John Doe 2, directs the Clerk to correct the case caption, and states that service will be addressed by separate order.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 9, 2025
DOCKET	1:25-cv-00650-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to substitute Peter Dominguez and Jose Herrera for the John Doe defendants identified in the operative Second Amended Complaint.
STANDARD OF REVIEW	The court reviewed the motion under Federal Rule of Civil Procedure 15(c), the court's prior order, and Local Rule 220.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive, nonprecedential value
PARTIES	Hector Martin Prieto v. John Doe 1, John Doe 2

TOPICS

- [motion to amend](#) [service of process](#) [section 1983](#) [civil rights](#) [civil procedure](#)

PRACTICE AREAS

- [Civil procedure](#) [Civil rights litigation](#) [Prisoner litigation](#)

QUESTIONS PRESENTED

1. Whether the plaintiff could substitute the identified defendants for John Doe 1 and John Doe 2 without filing a proposed Third Amended Complaint.
2. Whether the Second Amended Complaint should remain the operative pleading after the substitution.

HOLDINGS

1. The court may substitute the identified defendants for the John Doe defendants where the plaintiff timely complies with the court's identification order and the operative complaint already contains sufficient facts describing each Doe defendant's alleged involvement; a new amended complaint was unnecessary under the circumstances.
2. The Second Amended Complaint remains the operative complaint after substitution of Peter Dominguez and Jose Herrera for John Doe 1 and John Doe 2.

KEY QUOTATIONS

“Thus, filing a Third Amended Complaint to merely substitute the names of Defendants John Doe 1 and John Doe 2 for the named Defendants is unnecessary.” (at 2)

“Based on the foregoing, the SAC will remain the operative complaint in this action and the Court will substitute the named Defendants Plaintiff identifies for Defendants John Doe 1 and John Doe 2.” (at 2)

FACTUAL BACKGROUND

Prieto alleged that two correctional officials were involved in an excessive-use-of-force incident, including pushing his face into the ground with sufficient force to split his lower lip and cause bleeding. The Second Amended Complaint described each John Doe defendant's involvement with sufficient factual detail, and Prieto timely identified them as Correctional Sergeant Peter Dominguez and Correctional Officer Jose Herrera.

PROCEDURAL HISTORY

Prieto, a pro se prisoner, filed a 42 U.S.C. § 1983 civil-rights action and proceeded on a screened Second Amended Complaint identifying two correctional officials as John Doe defendants. After the court ordered him to identify the Doe defendants within ninety days, he timely filed a motion identifying John Doe 1 as Peter Dominguez and John Doe 2 as Jose Herrera. The court granted the motion, retained the Second Amended Complaint as the operative pleading, and directed the clerk to correct the caption and separately arrange service.

DISPOSITION

other

CASES CITED

- *Altheide v. Williams*, 2020 WL 42462 (D. Nev. Jan. 3, 2020)

OPINION

Dominguez
PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 HECTOR MARTIN PRIETO, Case No. 1:25-cv-00650-HBK (PC) 12 Plaintiff, ORDER
GRANTING MOTION TO

SUBSTITUTE JOHN DOE DEFENDANTS

13 v. AND DIRECTING CLERK TO CORRECT

CAPTION OF CASE

14 JOHN DOE 1 and JOHN DOE 2, (Doc. No. 22) 15 Defendants. 16 17 Plaintiff Hector Martin
Prieto, a pro se prisoner, initiated this action by filing a civil rights 18 complaint under 42 U.S.C.
§1983. Plaintiff proceeds on his Second Amended Complaint 19 (“SAC”) as screened. (Doc. Nos.
14, 16 18, 20). On November 21, 2025, the Court ordered 20 Plaintiff to provide written notice
identifying John Doe 1 and John Doe 2 within ninety (90) days 21 for the Court to effect service of
process. (Doc. No. 21 at 4). Plaintiff timely filed a “Motion 22 Substituting Named Defendants in
Place of John Doe #1 and John Doe #2” in compliance with 23 this Court’s November 21, 2025
Order. (Doc. No. 22, “Motion”). Plaintiff identifies John Doe 1 24 as Peter Dominguez and John
Doe 2 as Jose Herrera. (Id.). 25 Federal Rule of Civil Procedure 15(c), Relation Back of
Amendments, provides: 26 (1) When an Amendment Relates Back. An amendment to the pleading
relates back to the date of the original pleading when: 27 (C) the amendment changes the party or
the naming of the party 28 against whom a claim is asserted, if Rule 15(c)(1)(B) is satisfied and 1
if, within the period provided by Rule 4(m) for serving the summons and complaint, the party to
be brought in by amendment: 2 (i) received such notice of the action that it will not be 3
prejudiced in defending on the merits; and 4 (ii) knew or should have known that the action would
have been brought against it, but for mistake concerning the proper 5 party’s identity. 6 Fed. R.
Civ. P. 15(c) (emphasis in original). 7 Although Plaintiff did not submit a proposed Third Amended
Complaint identifying the 8 defendants by name within the pleading as contemplated in Rule 15(c)
and Local Rule 220, the

9 November 21, 2025 Order did not require him to do so. (See Doc. No. 21); see also Local Rule
10 220 (stating in relevant part that “changed pleadings” shall refer to the amended and
supplemental 11 pleadings and unless prior approval to the contrary is obtained, every pleading to
which an 12 amendment or supplement is permitted as a matter of right or has been allowed by the
court order 13 shall be typed and filed so that it is complete in itself without preference to the prior
or 14 superseded pleading. . . .”(emphasis added). 15 A review of the SAC shows Plaintiff
identifies “John Doe 1” and “John Doe 2” with 16 sufficient facts directed at each regarding their
involvement in the alleged excessive use of force 17 at issue. (Doc. No. 14 at 10-11, 16-17). The
use of force at issue appears to have happened in a 18 continuum involving two correctional

officials. (Id.) (stating among other facts Defendants 19 pushed Plaintiff's face to the ground with such force to bust open his lower lip and cause 20 bleeding). Thus, filing a Third Amended Complaint to merely substitute the names of Defendants 21 John Doe 1 and John Doe 2 for the named Defendants is unnecessary. 22 Based on the foregoing, the SAC will remain the operative complaint in this action and 23 the Court will substitute the named Defendants Plaintiff identifies for Defendants John Doe 1 and 24 John Doe 2. See *Altheide v. Williams*, Case No. 2:17-cv-02821-JCM-BNW, 2020 WL 42462 * 1 25 (D. Nev. Jan. 3, 2020) (similarly treating previously filed complaint as the operative complaint 26 but substituting named-defendants for the John Doe Defendants). The Court further directs the 27 Clerk to correct the caption of the case to reflect the substitution of John Doe 1 and John Doe 2 28 for the named Defendants. 1 Accordingly, it is ORDERED: 2 1. Plaintiff's Motion (Doc. No. 22) seeking to substitute John Doe | and John Doe 2 is 3 GRANTED. 4 2. Correctional Sergeant Peter Dominguez shall be substituted for John Doe 1 and 5 Correctional Officer Jose Herrera shall be substituted for John Doe 2. 6 3. The Clerk shall correct the caption to reflect these substitutions. 7 4. The Court will direct service on Defendants Dominguez and Herrera by separate 8 order. 9 10 Dated: _ December 9, 2025 oo. Zh. Bareh Zack 11 HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28