

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

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