

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Porter v. Amezcua

No. 1:23-cv-1491 JLT BAM, United States District Court for the Eastern District of California (March 17, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopts in full the magistrate judge’s findings and recommendations. The court dismisses without prejudice the claims against the unidentified John Doe and Jane Doe defendants because Plaintiff failed to provide sufficient information to substitute their identities and effect service.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 17, 2025
DOCKET	1:23-cv-1491 JLT BAM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted the magistrate judge's findings and recommendations, dismissing the claims against the unidentified Doe defendants without prejudice for failure to provide information sufficient to effect service.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- service of process

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations after Plaintiff failed to file objections.

2. Whether the claims against the unidentified Doe defendants should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to provide sufficient information to effect service.

HOLDINGS

1. After conducting de novo review under 28 U.S.C. § 636(b)(1), the district court adopted the magistrate judge's findings and recommendations in full.
2. Claims against Defendants John Doe 1-5 and Jane Doe 1-2 were dismissed without prejudice, and those defendants were dismissed from the action, because Plaintiff failed to provide sufficient information to effect service.

KEY QUOTATIONS

“The Court ORDERS: 1. The Findings and Recommendations dated February 20, 2025 (Doc. 44) are ADOPTED in full. 2. The claims against Defendants John Doe 1-5 and Jane Doe 1-2 are DISMISSED without prejudice. 3. Defendants John Doe 1-5 and Jane Doe 1-2 are DISMISSED as defendants.” (at 2)

FACTUAL BACKGROUND

Kevin Lamar Porter alleged that correctional officers violated his civil rights while he was incarcerated at Corcoran State Prison. Several defendants remained unidentified as John Doe and Jane Doe defendants. Plaintiff did not provide sufficient information to permit service or move to substitute their identities despite a court order.

PROCEDURAL HISTORY

Plaintiff brought a 42 U.S.C. § 1983 action concerning alleged civil-rights violations while incarcerated at Corcoran State Prison and named several Doe defendants. The court ordered Plaintiff to move to substitute the Doe defendants' identities, but he failed to do so. The magistrate judge recommended dismissal under Federal Rule of Civil Procedure 4(m); after Plaintiff failed to object within the prescribed period, the district court conducted de novo review and adopted the findings and recommendations in full.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 KEVIN LAMAR PORTER,) Case No.: 1:23-cv-1491 JLT BAM) 12
Plaintiff,) ORDER ADOPTING IN FULL THE FINDINGS) AND RECOMMENDATIONS

AND DISMISSING 13 v.) WITHOUT PREJUDICE DEFENDANTS JOHN) DOE 1-5 AND JANE DOE 1-2 14 C. AMEZCUA, et al.,)) (Doc. 44) 15 Defendants.)) 16 17 Keven Lamar Porter asserts he suffered violations of his civil rights while incarcerated at 18 Corcoran State Prison and seeks to hold correctional officers—including several “Doe” defendants— 19 liable pursuant to 42 U.S.C. § 1983.

(See generally Doc. 28.) Although the Court ordered Plaintiff to 20 file a motion to substitute the identifies of the “Doe” defendants (Doc. 32), Plaintiff failed to do so. 21 Because Plaintiff did not provide sufficient information to effect service upon the “Doe” defendants, 22 the magistrate judge recommended the Court dismiss the “Doe” defendants pursuant to Rule 4(m) of 23 the Federal Rules of Civil Procedure.

(Doc. 44.) 24 The Court served the Findings and Recommendations on Plaintiff and notified him that any 25 objections were due within 14 days. (Doc. 44 at 3.) The Court advised him that the “failure to file 26 objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s 27 factual findings’ on appeal.” (Id., quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-839 (9th Cir.

28 2014).) Plaintiff did not file objections, and the time to do so has passed. 1 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. Havi 2 || carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported 3 || by the record and proper analysis.

Thus, the Court ORDERS: 4 1. The Findings and Recommendations dated February 20, 2025 (Doc. 44) are 5 ADOPTED in full. 6 2. The claims against Defendants John Doe 1-5 and Jane Doe 1-2 are DISMISSED 7 without prejudice. 8 3. Defendants John Doe 1-5 and Jane Doe 1-2 are DISMISSED as defendants. 9 10 || IT IS SO ORDERED. Dated: _ March 17, 2025 (LAW ph L. wary 12 TED STATES DISTRICT JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28