

**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.

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