

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PRECEDENTIAL VALUE	nonprecedential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

- 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)