

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kohut v. Allison, et al.

Kohut · No. 1:20-cv-01584-JLT-CDB (PC) · Decided January 6, 2026

SUMMARY

The United States District Court for the Eastern District of California granted Jonathan Kohut’s request to substitute named defendants for Doe defendants in his 42 U.S.C. § 1983 action. The court directed the clerk to add J. Wisley, R. Ruggles, M. Capello, and S. Hicks to the docket, left the third amended complaint operative, and stated that limited discovery was closed.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JONATHAN KOHUT, Case No.: 1:20-cv-01584-JLT-CDB (PC) 12 Plaintiff,
ORDER GRANTING PLAINTIFF’S REQUEST TO SUBSTITUTE PARTY 13 v. (Doc. 70) 14
K. ALLISON, et al., Clerk of the Court to Adjust Docket 15 Defendants. 16 17 Plaintiff Jonathan
Kohut is appearing pro se and in forma pauperis in this civil rights 18 action pursuant to 42 U.S.C.
section 1983.

19 I. INTRODUCTION 20 Following screening, this action proceeds on Plaintiff’s various federal
constitutional and 21 state law claims against Defendants Anaya, Frauenheim, Doe 1, Doe 2,
Godwin, Lemon, 22 Macomber, and Van Ingen. 23 On June 12, 2025, the Court issued an order
granting Plaintiff ninety days within which to 24 identify Does 1 and 2 and to file a notice of
substitution.

(Doc. 48.) 25 Ultimately, following issuance and service of a subpoena (see Doc. 55) and an
extension 26 of the relevant deadline (see Doc. 68), Plaintiff filed a document titled “Plaintiff’s
Notice/Request 27 for Substitution of Parties and Service of Process” on January 5, 2026. (Doc.
70.)

The Court construes the filing to be a request to substitute the actual names for the individuals
sued as John 1 or Jane Doe 1 and 2 in Plaintiff’s operative complaint. 2 II. DISCUSSION 3
Plaintiff seeks to substitute J. Wisley and R. Ruggles for John or Jane Doe 1 and M. 4 Capello and
S. Hicks for John or Jane Doe 2. (Doc. 70 at 2.) 5 Federal Rule of Civil Procedure 15(c), Relation
Back of Amendments, provides: 6 (1) When an Amendment Relates Back.

An amendment to the pleading relates back to the date of the original pleading when: 7 (C) the
amendment changes the party or the naming of the party 8 against whom a claim is asserted, if

Rule 15(c)(1)(B) is satisfied and if, within the period provided by Rule 4(m) for serving the summons 9 and complaint, the party to be brought in by amendment: 10 (i) received such notice of the action that it will not be prejudiced in defending on the merits; and 11 (ii) knew or should have known that the action would have been 12 brought against it, but for mistake concerning the proper party's identity.

13 14 Although Plaintiff did not submit a proposed amended complaint identifying the 15 defendants by name within the pleading as contemplated in Rule 15(c) and Local Rule 220, the 16 June 12, 2025, Order Granting Plaintiff 90 Days to Identify Doe 1 and Doe 2 did not require him 17 to do so. (See Doc. 48.) 18 A review of the operative third amended complaint shows Plaintiff identified John or Jane 19 Doe 1 as an official with the Institutional Security Unit (ISU) at Pleasant Valley State Prison 20 (PVSP), and John or Jane Doe 2 as a receiving and release official at PVSP.

(See Doc. 45 at 2.) 21 More particularly, Plaintiff pled sufficient facts concerning those individuals' involvement in the 22 alleged First Amendment right to send and receive mail and First Amendment retaliation claims. 23 (See Docs. 45 & 46 [Claims 1 & 2].) Further, Plaintiff pled sufficient facts concerning John or 24 Jane Doe 2's involvement in the alleged Fourteenth Amendment due process violation.

(See id. 25 [Claim 4].) Lastly, Plaintiff pled sufficient facts concerning John or Jane Does 1 and 2 concerning 26 their involvement in his Bane Act and state law negligence claims. (See id. [Claims 5 & 7].) Thus, 27 the filing of an amended complaint to merely substitute the names of John or Jane Does 1 and 2 is 1 Accordingly, the third amended complaint will remain the operative complaint in this 2 | action and the Court will substitute John or Jane Doe | for the named defendants Plaintiff 3 | identifies as J. Wisley and/or R. Ruggles and will substitute John or Jane Doe 2 for the named 4 | defendants Plaintiff identifies as M. Capello and/or S. Hicks.

See, e.g., *Cantu v. Doe 1*, No. 1:20- 5 | cv-00386-HBK, 2021 WL 2822531, at *1-2 (E.D. Cal. July 7, 2021) ("Based on the foregoing, 6 | the FAC will remain the operative complaint in this action and the Court will substitute John Doe 7 | Defendants 1 and 2 for the named defendants Plaintiff identifies.") (citing *Altheide v. Williams*, 8 || No. 2:17-cv-02821-JCM-BNW, 2020 WL 42462 * 1 (D.

Nev. Jan. 3, 2020) (same). 9 I. CONCLUSION AND ORDER 10 Accordingly, and for the reasons stated above, IT IS HEREBY ORDERED that: 11 1. Plaintiff's request to substitute (Doc. 70) is GRANTED; 12 2. The Clerk of the Court is DIRECTED to ADD the following individuals to the docket 13 for this action: 14 a. J. Wisley 15 b. R. Ruggles 16 c. M. Capello 17 d. S. Hicks; and 18 3.

Limited discovery is now closed. The Court will issue a separate order regarding 19 service of process concerning the newly added defendants. 20 | ☐ ☐ SO ORDERED. 71 | Dated: _ January 6, 2026 | Word bo 2 UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28

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