

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

OPINION

Allison

PER CURIAM.

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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 brought against it, but for mistake concerning the proper party's identity. Although Plaintiff did not submit a proposed amended complaint identifying the defendants by name within the pleading as contemplated in Rule 15(c) and Local Rule 220, the

June 12, 2025, Order Granting Plaintiff 90 Days to Identify Doe 1 and Doe 2 did not require him

to do so. (See Doc. 48.) A review of the operative third amended complaint shows Plaintiff identified John or Jane

Doe 1 as an official with the Institutional Security Unit (ISU) at Pleasant Valley State Prison (PVSP), and John or Jane Doe 2 as a receiving and release official at PVSP. (See Doc. 45 at 2.)

More particularly, Plaintiff pled sufficient facts concerning those individuals' involvement in the alleged First Amendment right to send and receive mail and First Amendment retaliation claims. (See Docs. 45 & 46 [Claims 1 & 2].) Further, Plaintiff pled sufficient facts concerning John or Jane Doe 2's involvement in the alleged Fourteenth Amendment due process violation. (See id. [Claim 4].) Lastly, Plaintiff pled sufficient facts concerning John or Jane Does 1 and 2 concerning their involvement in his Bane Act and state law negligence claims. (See id. [Claims 5 & 7].) Thus, the filing of an amended complaint to merely substitute the names of John or Jane Does 1 and 2 is Accordingly, the third amended complaint will remain the operative complaint in this action and the Court will substitute John or Jane Doe for the named defendants Plaintiff identifies as J. Wisley and/or R. Ruggles and will substitute John or Jane Doe 2 for the named defendants Plaintiff identifies as M. Capello and/or S. Hicks. See, e.g., *Cantu v. Doe 1*, No. 1:20-cv-00386-HBK, 2021 WL 2822531, at *1-2 (E.D. Cal. July 7, 2021) ("Based on the foregoing, the FAC will remain the operative complaint in this action and the Court will substitute John Doe 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

Accordingly, and for the reasons stated above, IT IS HEREBY ORDERED that: 1. Plaintiff's request to substitute (Doc. 70) is GRANTED; 2. The Clerk of the Court is DIRECTED to ADD the following individuals to the docket for this action: a. J. Wisley b. R. Ruggles c. M. Capello d. S. Hicks; and 3. Limited discovery is now closed. The Court will issue a separate order regarding service of process concerning the newly added defendants. ☐ ☐ SO ORDERED. Dated: January 6, 2026 | Word bo

2 UNITED STATES MAGISTRATE JUDGE

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