

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Valencia v. C.D.C.R.

Valencia · No. 1:23-cv-000831-KES-SKO · Decided May 23, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiff Christopher G. Valencia 90 days to identify the Doe Hospital Director named in his § 1983 action. The Court authorized Plaintiff to use discovery, a subpoena, or other means to learn the defendant’s identity and file a notice of substitution. The Court stated that failure to identify and substitute the defendant within 90 days would result in a recommendation of dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 23, 2025
DOCKET	1:23-cv-000831-KES-SKO
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, the court addressed how Plaintiff could identify and serve an unknown Doe defendant after screening found a plausible Eighth Amendment claim.
STANDARD OF REVIEW	The court applied the Ninth Circuit standard governing identification of unknown defendants: a plaintiff should receive an opportunity through discovery to identify a Doe defendant unless it is clear that discovery will not reveal the identity or that the complaint will be dismissed on other grounds.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Christopher G. Valencia v. C.D.C.R., et al., Doe Hospital Director

TOPICS

- discovery dispute
- service of process
- prisoners rights
- section 1983
- civil rights

PRACTICE AREAS

prisoner civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff should be allowed limited discovery to identify the unknown Doe Hospital Director.
2. Whether Plaintiff could use a subpoena duces tecum or other discovery mechanisms to obtain information needed to identify and serve the Doe defendant.
3. What deadline and consequence should apply if Plaintiff failed to identify and substitute the Doe defendant.

HOLDINGS

1. When a defendant's identity is unknown before filing, the plaintiff should be given an opportunity through discovery to identify the defendant unless it is clear that discovery will not uncover the identity or that the complaint will be dismissed on other grounds. Because neither exception applied, Plaintiff was entitled to limited discovery concerning the Doe Hospital Director's identity.
2. Plaintiff may seek a subpoena duces tecum or use other means to obtain the Doe defendant's identity, but any subpoena request must clearly identify the documents sought and show that the records are obtainable only from the identified third party, while accounting for relevance, burden, and expense.
3. Plaintiff was granted ninety days to discover the Doe Hospital Director's identity and file a notice of substitution; failure to do so would support a recommendation that the Doe defendant be dismissed without prejudice.

KEY QUOTATIONS

“The Ninth Circuit has held that where identity is unknown prior to the filing of a complaint, the plaintiff should be given an opportunity through discovery to identify the unknown defendants unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds.” (at 2)

“Accordingly, the Court GRANTS Plaintiff ninety (90) days in which to discover the identity of Doe Hospital Director, through subpoena or otherwise, and to substitute this Defendant’s actual name by filing a “notice of substitution.”” (at 5)

FACTUAL BACKGROUND

Plaintiff, a prisoner proceeding under 42 U.S.C. § 1983, alleged that an unknown Hospital Director at California State Prison-Corcoran failed to ensure his health and safety in connection with a dangerous condition at the institution's hospital. The Hospital Director's identity was unknown to Plaintiff, and the United States Marshal could not serve the defendant without sufficient identifying information. The court determined that limited discovery could potentially reveal the defendant's identity and that dismissal on other grounds was not then indicated.

PROCEDURAL HISTORY

Plaintiff filed a first amended complaint on January 22, 2024. After screening, the court found that the complaint stated an Eighth Amendment conditions-of-confinement claim against an unidentified Doe Hospital Director. The court authorized limited discovery, including possible subpoena practice, and granted Plaintiff ninety days to identify the defendant and file a notice of substitution, warning that failure to do so would result in a recommendation of dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Crowley v. Bannister, 734 F.3d 967, 978 (9th Cir. 2013)
- Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (10th Cir. 1980)
- Thompson v. Allison, No. 23-cv-05079-HSG, 2024 WL 4394759, at *3 (N.D. Cal. Oct. 3, 2024)
- Austin v. Winett, No. 1:04-cv-05104-DLB PC, 2008 WL 5213414, at *1 (E.D. Cal. Dec. 12, 2008)
- Davis v. Ramen, No. 1:06-cv-01216-AWI-SKO (PC), 2010 WL 1948560, at *1 (E.D. Cal. May 11, 2010)
- Williams v. Adams, No. 1:05-cv-00124-AWI-SMS (PC), 2010 WL 148703, at *1 (E.D. Cal. Jan. 14, 2010)
- Badman v. Stark, 139 F.R.D. 601, 605 (M.D. Pa. 1991)