

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hector Martin Prieto v. John Doe 1 and John Doe 2

No. 1:25-cv-00650-HBK (PC), United States District Court for the Eastern District of California (November 21, 2025)

SUMMARY

The United States District Court for the Eastern District of California amends its November 19, 2025 order in Hector Martin Prieto’s prisoner civil rights action. The court grants Plaintiff 90 days to identify the John Doe defendants against whom he asserts Eighth Amendment excessive force claims, declines to direct service of a defective subpoena seeking videos and medical records, and explains permissible methods for obtaining identifying information. The Clerk is directed to send Plaintiff subpoena form AO 88B and form USM-285.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 21, 2025
DOCKET	1:25-cv-00650-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se and in forma pauperis sought to proceed against unidentified correctional employees on Eighth Amendment excessive-force claims and submitted a subpoena seeking videos and medical records to identify them. The court reviewed and rejected the subpoena as improper, amended its prior order, allowed additional time to identify the Doe defendants, and directed the Clerk to provide subpoena and service forms.
STANDARD OF REVIEW	The court reviewed the submitted subpoena for compliance with the Federal Rules of Civil Procedure, including relevance, scope, and burden limitations applicable to subpoenas and discovery.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

service of process

discovery dispute

civil procedure

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

discovery and subpoenas

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted limited discovery or subpoena assistance to identify unknown defendants before service.
2. Whether the submitted subpoena duces tecum was sufficiently limited to relevant information needed to identify John Doe 1 and John Doe 2.
3. What deadline and procedural mechanism should govern Plaintiff's identification of the Doe defendants.

HOLDINGS

1. A court should permit a plaintiff to engage in limited discovery for the purpose of identifying defendants whose identities were unknown when the action was filed, unless the discovery would not identify the defendants or the complaint should otherwise be dismissed.
2. A subpoena to a nonparty must be limited to relevant information, and the court must consider the burden and expense imposed on the nonparty before directing service.
3. Plaintiff was granted 90 days from service of the order to provide information identifying John Doe 1 and John Doe 2 for service of process, with failure to do so potentially resulting in dismissal without prejudice.

KEY QUOTATIONS

"The Ninth Circuit has held that courts should permit plaintiffs to engage in limited discovery for the purpose of identifying defendants whose identity is unknown at the time of filing, unless discovery would fail to identify the defendants or that the complaint should otherwise be dismissed." (at 1)

"Subpoenas must be limited to relevant information, and a court will consider the burden and expense on the non-party in providing the requested information before issuing it." (at 2)

FACTUAL BACKGROUND

Plaintiff, a state prisoner at California Correctional Institution, alleged that on November 9, 2024, a correctional sergeant and correctional officer entered his cell and used excessive force during a medical emergency. The defendants were identified only as John Doe 1 and John Doe 2. Plaintiff's subpoena sought videos of the incident and his medical records, but it did not seek information limited to identifying the Doe defendants.

PROCEDURAL HISTORY

Plaintiff filed a Second Amended Complaint on August 21, 2025. After screening and voluntary dismissal of non-cognizable claims, the action proceeded on Eighth Amendment excessive-force claims against John Doe 1 and John Doe 2 in their individual capacities. Plaintiff submitted a completed subpoena and USM-285 form on

November 14, 2025; the court found the subpoena improper because it sought incident videos and medical records rather than information limited to identifying the Doe defendants. The court amended its November 19, 2025 order, granted Plaintiff 90 days to provide identifying information, warned that failure to do so could result in dismissal without prejudice, and directed the Clerk to send forms AO 88B and USM-285.

DISPOSITION

other

CASES CITED

- Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Crowley v. Bannister, 734 F.3d 967, 978 (9th Cir. 2013)
- Austin v. Winett, 2008 WL 5213414, at *1 (E.D. Cal. Dec. 12, 2008)
- Badman v. Stark, 139 F.R.D. 601, 605 (M.D. Pa. 1991)
- Davis v. Ramen, 2010 WL 1948560, at *1 (E.D. Cal. May 11, 2010)
- Williams v. Adams, 2010 WL 148703, at *1 (E.D. Cal. Jan. 14, 2010)
- Johnson v. Spearman, 2020 WL 7405693, at *2 n.3 (E.D. Cal. Dec. 17, 2020)
- Reyes v. Flores, 2018 WL 3968245, at *10 (E.D. Cal. Aug. 16, 2019)
- Thompson v. Allison, No. 23-cv-05079-HSG, 2024 WL 4394759, at *3 (N.D. Cal. Oct. 3, 2024)