

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cuong Huy Dao v. M. Bravo, et al.

Dao v. Bravo · No. 1:25-cv-00970-HBK · Decided January 15, 2026

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CUONG HUY DAO, Case No. 1:25-cv-00970-HBK 12 Plaintiff, ORDER
GRANTING PLAINTIFF’S CONSTRUED REQUEST FOR EXTENSION 13 v. OF TIME TO
IDENTITY DOE DEFENDANTS 14 M. BRAVO, et al., (Doc. No. 22) 15 Defendants. 16 17 On
December 15, 2025, Plaintiff filed a “Reply to the Court’s 90 Days Discovery Order 18 for John
Does.” (Doc.

No. 22, “Reply”). Plaintiff states that he submitted a CDCR Form 22 19 requesting the identities
of the Unidentified Correctional Officers (“Doe Defendants”) from the 20 California Department
of Corrections and Rehabilitation (“CDCR”) but has not yet received a 21 response. Plaintiff
requests that the Court “obtain all involved Defendants.” (Id. at 3). 22 The Court construes
Plaintiff’s motion as a request for an extension of time to serve the 23 John Doe Defendants under
Federal Rule of Civil Procedure 4(m).¹ The Court recently stayed 24 this case to allow the parties
to participate in early alternative dispute resolution.

(Doc. No. 21). 25 Therefore, the Court finds good cause under Rule 4(m) to relieve Plaintiff of the
90-day deadline 26 1 A pleading’s “nomenclature is not controlling.” *Miller v. Transamerican*
Press, Inc., 709 F.2d 524, 527 27 (9th Cir. 1983) (quoting *Sea Ranch Ass’n v. Cal. Coastal Zone*
Conservation Comm’ns, 537 F.2d 1058, 1061 (9th Cir. 1976)). Instead, courts are instructed to
“construe [the pleading], however styled, to be the 28 type proper for the relief requested.” *Id.* 1 |
while the stay is in effect.

Plaintiff need not identify the Doe Defendants at this time. 2 If the parties are unable to resolve the
issue, the Court will lift the stay and enter a 3 | discovery and scheduling order. At that time,
Plaintiff may utilize the discovery process to obtain 4 | the names of the Doe Defendants. *Crowley*
v. Bannister, 734 F.3d 967, 978 (9th Cir. 2013) 5 | (quoting *Gillespie v. Civiletti*, 629 F.2d 637,
642 (9th Cir.

1980) (“the plaintiff should be given an 6 | opportunity through discovery to identify the unknown
defendants, unless it is clear that 7 | discovery would not uncover the identities, or that the
complaint would be dismissed on other 8 | grounds”).

The Court will grant Plaintiff an adequate extension of time to identify the Doe 9 | Defendants when and if the stay is lifted. 10 Accordingly, it is ORDERED: 11 Plaintiff's Motion (Doc. No. 22), construed as a request for an extension of time to 12 || comply with Federal Rule of Civil Procedure 4(m) is GRANTED.

The deadline for Plaintiff to 13 || identify and substitute the Doe Defendants is STAYED until further order of court. 14 1S Dated: _ January 15, 2026 oe Uh. Sareh Zackte 16 HELENA M. BARCH-KUCHTA UNITED STATES MAGISTRATE JUDGE 18 19 20 21 22 23 24 25 26 27 28