

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ARVIND M. PATEL,

Plaintiff,

v.

U. S. DEPARTMENT OF STATE,
JOSIAH L. KEATS and 2nd FEDERAL AGENT,

Defendants.

ORDER

11-cv-6-wmc

On August 16, 2012, I entered an amended scheduling order resetting the schedule in this case. However, the identity of the 2nd Federal Agent defendant remains unknown. Accordingly, I will add the following deadlines and explanations regarding this Doe defendant to the case:

Identifying the Doe Defendant

A) **October 12, 2012:** Plaintiff shall complete service of his discovery requests aimed at identifying this Doe defendant. It is important for plaintiff to prepare clear, thorough discovery requests so that the assistant United States attorney and the agency have enough information to provide useful responses. It is not the responsibility of the assistant United States attorney or the agency to determine the identity of the Doe defendant on their own. Upon receipt of plaintiff's discovery requests relating to the Doe defendant, the assistant United States attorney should endeavor to provide the requested information as soon as possible but not later than the time allowed by the federal rules of civil procedure. Although the assistant United States attorney and the agency have no duty to conduct a proactive investigation, the court expects them to use good faith best efforts promptly to identify the Doe defendant in this case. The assistant United States attorney should file with the court a copy of his responses to plaintiff's discovery requests relating to the Doe defendant.

B) **November 9, 2012:** Plaintiff shall file an amended complaint. Plaintiff may hand-write in his changes. The caption of the document shall be changed to identify it as the *second amended* complaint. Plaintiff shall replace all references to Doe defendant with the name provided to him by the government. Plaintiff shall not make any other changes to his complaint without first asking for and receiving permission from the court.

Note well: If plaintiff does not file a second amended complaint naming the Doe defendant by the deadline, then this court could dismiss all of plaintiff's claims against the Doe defendant.

C) **November 30, 2012:** The now-identified Doe defendant shall file and serve his answer to plaintiff's amended complaint.

Plaintiff has also filed a motion to quash defendants' motion for extension of time and to stay a response to plaintiff's motion for relief. *See* dkt. 44. Defendants' motion was granted in a text order on September 11, 2012. Accordingly, I will deny plaintiff's motion to quash.

ORDER

It is ORDERED that:

1. The parties treat the 2nd Federal Agent as a John Doe defendant until plaintiff can ascertain his true identity in accordance with the schedule set within the body of this order.
2. Plaintiff's motion to quash, dkt. 44, is DENIED as moot.

Entered this 25th day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge