

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

J. MICHAEL McMAHON
CLERK OF COURT

**IMPORTANT INFORMATION
IF YOU HAVE NAMED "JOHN DOE" DEFENDANTS**

You cannot serve papers on any unidentified defendant who may be designated as "John Doe" in the caption of your complaint. If you have named John Doe defendants, (i) you must conduct discovery in order to ascertain the true identities of the John Doe defendants; and then (ii) you must amend the complaint to include the actual names of the John Doe defendants.

I. HOW TO CONDUCT DISCOVERY

A. If You Have Identified Some Defendants (for example, in addition to John Doe defendants, you have also named the City of New York or the Warden or Supervisor of the jail or correctional facility in the caption of the complaint):

(i) serve interrogatories with your summons and complaint on the defendant you have identified in order to ascertain the identities of any John Doe defendants. You must provide as much information as possible in order for the defendant to be able to identify your John Doe defendant. For example, you must provide the date, time (or shift) and specific location of the incident involving the John Doe defendant. If possible, you should also provide a physical description of each John Doe defendant or, if you have it, the individual's shield or badge number. Enclosed please find a sample form.

(ii) interrogatories should be served as soon as possible, the statute of limitations period (three years from the date the claim arose) is **not** tolled while you search for the identity of the John Doe defendant.

(iii) interrogatories can be served along with the summons and complaint on any defendant already identified by submitting your papers to the United States Marshals Service if you have been granted in forma pauperis status. Please review the instructions included with the mailing package for service by the United States Marshals Service.

(iv) if the complaint has already been served and a defendant has answered the complaint, you may serve your interrogatories by regular mail on the attorney who answered the complaint for the defendant.

(v) keep a copy of the interrogatories for your records. The Court should **not** be sent a copy of your interrogatories.

SAMPLE FORM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

Plaintiff,

PLAINTIFF'S INTERROGATORIES
TO DISCOVER IDENTITIES AND
ADDRESSES OF DEFENDANTS

- against -

____ Civ. ____ (TPG)

Defendants.

X

Pursuant to Fed. R. Civ. P. 33, the Defendant(s) shall serve answers, under oath, to the following interrogatories within 30 days upon plaintiff at the address below.

Dated: _____

Plaintiff's Name

Identification No. (If applicable)

Address

INTERROGATORIES

1. Identify all corrections officers [*provide physical description here, if known*] who were on duty or otherwise present on [*March 3, 1993, in the Special Housing Unit of the A.R.D.C., 11-11 Hazen Street, E. Elmhurst, New York between the hours of 12 midnight and 7:00 a.m.*]
2. State the name, shield number, and address where process may be served on any person identified above.
3. If any individual named in response to interrogatory one is no longer employed by *the City of New York Department of Correction or the New York State Department of Correctional Services*, provide the date and reason for the individual's resignation, termination, dismissal or separation. Also provide the last known address for said individual.