UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TROAS V. BARNETT,

Plaintiff,

v.

MARTIN GAMBOA, ANGEL DURAN, and MANUEL TORRES,

Defendants.

/

CASE NO. 1:05-cv–01022-BAM PC

ORDER ADDRESSING MOTION FOR TWO-WAY AUDIO/COMMUNICATION

(ECF No. 233)

ORDER VACATING ORDER DIRECTING DEFENDANTS TO ARRANGE FOR TELECOMMUNICATIONS DEVICE FOR THE DEAF FOR THE JANUARY 15, 2013 HEARING

(ECF No. 221)

A telephonic motion in limine hearing is set for January 15, 2013, at 10:00 a.m. in Courtroom 8 in this action. As Plaintiff indicated that he uses a hearing aid and that he experienced some difficulty hearing during the October 11, 2012, telephonic hearing, the Court ordered Defendants to make arrangements with the litigation coordinator at Kern Valley State Prison for Plaintiff to use a telecommunications device for the deaf during the January 15, 2013, hearing. (ECF No. 221.)

On January 2, 2013, Plaintiff filed the present motion requesting that a speaker phone be made available for the motion in limine hearing. (ECF No. 233.) Plaintiff explains that while he did experience some difficulty with the tube in his right hearing aid at the October 11, 2012 pre-trial hearing, he has since cleared the tube and both of his hearing aids are working at full capacity. Plaintiff reports that he is able to hear auditory conversations at a normal range and is capable of understanding conversations on a phone with a speaker and volume control. Plaintiff further

indicates that he does not require a telecommunications device for the deaf and instead requests that Defendants "make available a means for two way audio communication transmission via speaker phone" at the motion in limine hearing.

Accordingly, it is HEREBY ORDERED as follows:

1. The Court's December 21, 2012 order directing Defendants to arrange for a telecommunications device for the deaf at the January 15, 2013 hearing is VACATED; and

2. Plaintiff's request for two-way audio communication is GRANTED. Defendants are DIRECTED to arrange for a speaker phone for Plaintiff to use during the motion in limine hearing set for January 15, 2013, at 10:00 a.m.

IT IS SO ORDERED.

Dated: January 7, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE