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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

AURELIO M. SEPULVEDA,  
Plaintiff,

v.

JEANNE WOODFORD, et al.,  
Defendants.

CASE NO. 1:05-CV-01143-AWI-DLB PC

ORDER DENYING MOTION FOR COPY OF  
REPORTER’S TRANSCRIPT OF  
DEPOSITION (DOC. 54)

ORDER GRANTING MODIFICATION OF  
DISCOVERY CUT-OFF DATE

DISCOVERY CUT-OFF DATE: September  
12, 2011

Plaintiff Aurelio M. Sepulveda (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s second amended complaint against Defendant Shu-Pin Wu for retaliation in violation of the First Amendment and violation of the Eighth Amendment.

Pending before the Court is Plaintiff’s motion, filed June 29, 2011. Doc. 54. Plaintiff moves for 1) a copy of the reporter’s transcript of Plaintiff’s deposition and 2) a modification of the discovery cut-off date.

**I. Copy Of Deposition Transcript**

Plaintiff moves for a copy of a transcript of Plaintiff’s deposition. Plaintiff requests the transcript for purposes of identifying any errors. The deposition was conducted on June 20, 2011 at Ironwood State Prison.

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1 Pursuant to Federal Rule of Civil Procedure 30(e)(1),

2 [o]n request by the deponent . . . , the deponent must be allowed thirty days after  
being notified by the officer that the transcript or recording is available in which:

3 (A) to review the transcript or recording; and

4 (B) if there are changes in form or substance, to sign a statement listing the  
changes and the reasons for making them.

5 Once the court reporter has notified Plaintiff that the transcript is available, Plaintiff is  
6 granted thirty days in which to review the transcript and provide any changes. A court order is  
7 not required.

8 Plaintiff is not entitled to a copy of the deposition transcript for free, even if he is  
9 proceeding in forma pauperis. *See id.* 30(f)(3) (requiring the officer who recorded transcript to  
10 furnish a copy to deponent “[w]hen paid reasonable charges”); *Tedder v. Odel*, 890 F.2d 210,  
11 211-12 (9th Cir. 1989) (per curiam) (citations omitted) (finding that expenditure of public funds  
12 on behalf of indigent litigant is proper only when authorized by Congress). Accordingly, it is  
13 HEREBY ORDERED that Plaintiff’s motion for a copy of the deposition transcript without  
14 payment is denied.

15 **II. Modification of Discovery Cut-Off Date**

16 Plaintiff seeks a modification of the discovery cut-off date. Plaintiff requests copies of  
17 records regarding visits to various medical hospitals. Plaintiff seeks a sixty day extension of the  
18 current discovery cut-off date of July 12, 2011.

19 Good cause is required for modification of the Court’s discovery and scheduling order.  
20 Fed. R. Civ. P. 16(b)(4). Good cause having been shown, it is HEREBY ORDERED that  
21 Plaintiff’s motion for modification of the discovery cut-off date is granted. The discovery cut-off  
22 date is September 12, 2011.

23 IT IS SO ORDERED.

24 **Dated: July 5, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE