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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CARLOS HENDON,

1:05-cv-01247-AWI-GSA-PC

Plaintiff,

ORDER GRANTING LEAVE FOR  
DEFENDANT HOPPE TO DEPOSE  
PLAINTIFF BY VIDEOCONFERENCE  
(Doc. 89.)

v.

BAROYA, et al.,

Defendants.

Carlos Hendon ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action under 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on September 30, 2005. (Doc. 1.) This action now proceeds on Plaintiff's Second Amended Complaint filed on June 26, 2008, against defendants Baroya, Pham, Nguyet, Hoppe, Griffin and Riedman for subjecting him to cruel and unusual punishment in violation of the Eighth Amendment.<sup>1</sup> (Doc. 18.)

On September 30, 2009, the Court issued a Discovery/Scheduling Order establishing a deadline of May 30, 2010 for completion of discovery, including motions to compel. (Doc. 36.) This deadline has not been extended.

On March 27, 2012, the Court issued an order commencing discovery between *only* defendant Hoppe and Plaintiff, establishing a deadline of August 1, 2012 for completion of discovery.<sup>2</sup> (Doc. 88.) This action is now in the discovery phase between Plaintiff and defendant Hoppe.

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<sup>1</sup>On December 13, 2010, defendant Hamilton was dismissed from this action based on Plaintiff's failure to provide sufficient information to effect service. (Doc. 67.)

<sup>2</sup>Defendant Hoppe appeared in this action on December 3, 2010, via his joinder with Defendants' motion to declare Plaintiff a vexatious litigant, and filed an Answer to the Second Amended Complaint on August 1, 2011. (Docs. 66, 81.)

1 On July 16, 2012, defendants Baroya, Riedman, Nguyet, Griffin, Pham and Hoppe filed a  
2 motion seeking leave to depose Plaintiff by video conference. Fed. R. Civ. P. 30(b)(4). (Doc. 89.)  
3 The Court finds good cause to grant the motion as to defendant Hoppe, but not as to defendants  
4 Baroya, Riedman, Nguyet, Griffin, and Pham for whom the discovery phase was closed on May 30,  
5 2010.

6 Accordingly, good cause having been shown, IT IS HEREBY ORDERED that defendant  
7 Hoppe is granted leave to depose Plaintiff by video conference.

8  
9 IT IS SO ORDERED.

10 **Dated: July 17, 2012**

**/s/ Gary S. Austin**  
11 UNITED STATES MAGISTRATE JUDGE