

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**VINCENT C. BRUCE,**  
  
Plaintiff,  
  
v.  
  
**JEANNE WOODFORD, ET AL.,**  
  
Defendants.

Case No. 1:07-CV-0269 AWI BAM

**ORDER GRANTING DEFENDANTS' EX PARTE APPLICATION TO TAKE PLAINTIFF'S DEPOSITION AFTER THE DISCOVERY CUT-OFF DATE**  
(ECF No. 135)

Plaintiff Vincent C. Bruce is a state prisoner 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 claims for relief against: (1) Defendants Adams, Hense, Ward, Clark, Fulks, Wan, Frauenheim, Lloren, Fields and Tripp for retaliation in violation of the First Amendment; (2) Defendants Adams, Hense, Ward, Clark, Fulks, Wan, Lloren, Fields and Tripp for violation of the Due Process Clause; and (3) Defendants Adams, Schottgen and Fields for failing to provide Plaintiff with adequate clothing in violation of the Eighth Amendment. Currently before the Court is Defendants' Ex Parte Application to Take Plaintiff's Deposition after the Discovery Cut-off Date. For good cause shown, the Court grants the Application.

According to the moving papers, this action was reassigned to defense counsel on May 31, 2013. Following reassignment, defense counsel has been attempting to schedule Plaintiff's

1 deposition in according with the Scheduling Order, which requires 14 days' notice before the  
2 deposition and sets the discovery deadline as July 1, 2013. Defense counsel explains that despite  
3 efforts to make arrangements with the Litigation Coordinator at Pelican Bay State Prison, where  
4 Plaintiff is house, the required prison facilities and staff will not be available for Plaintiff's  
5 deposition until after the current discovery deadline of July 1, 2013. Defendants intend to arrange  
6 for Plaintiff's deposition as soon as possible after the discovery cut-off date.

7 For good cause shown, Defendants' application to take Plaintiff's deposition after the  
8 discovery cut-off date is GRANTED. Defendants shall take Plaintiff's deposition as soon as the  
9 deposition can reasonably be scheduled after the current discovery cut-off date of July 1, 2013.

10  
11 IT IS SO ORDERED.

12 Dated: June 25, 2013

13 /s/ Barbara A. McAuliffe  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28