

1  
2 IN THE UNITED STATES DISTRICT COURT FOR THE  
3 EASTERN DISTRICT OF CALIFORNIA  
4

5 MICHAEL S. IOANE, ET AL., )  
6 Plaintiff, ) Case No. 1:07-cv-00620-AWI-GSA  
7 v. ) **Order Re. Defendants' Motion For**  
8 KENT SPJUTE, ET AL., ) **Leave To Depose A Person Confined in**  
9 Defendants. ) **Prison**  
(Doc. 182)

---

10  
11 Plaintiffs Michael S. and Shelly J. Ioane brought the present action in regard to the  
12 execution of a search warrant by federal agents at their residence. Plaintiffs allege that the  
13 federal agents used excessive force in conducting the search and violated the privacy rights of  
14 Shelly Ioane. The case is presently in the discovery stage.

15 On January 6, 2014, the Defendants in this matter (Special Agents Kent R. Spjute, Jeff  
16 Hodge, Brian Applegate and Michele M. Casarez; former Supervisory Special Agent Jean Noll;  
17 and the United States of America) (collectively, "Federal Defendants") filed a motion for leave  
18 to take the deposition of Plaintiff Michael S. Ioane, who is currently incarcerated in Taft  
19 Correctional Institution ("CI Taft"). (Doc. 182). Federal Defendants' motion is made pursuant  
20 to Federal Rule of Civil Procedure 30(a)(2)(B). Rule 30(a)(2)(B) provides that a party must  
21 obtain leave of court to depose a person confined in prison. Mr. Ioane's deposition is tentatively  
22 scheduled for Thursday, February 20, 2014. (Doc. 182). Mr. Ioane does not oppose the Federal  
23 Defendants' motion. (Doc. 182).

1 Federal Defendants seek to depose Mr. Ioane because “Mr. Ioane is one of the Plaintiffs  
2 in this action and was a witness to the search performed by some of the Federal Defendants. His  
3 testimony is essential for the Federal Defendants to investigate his claims as well as prepare their  
4 defenses in this action.” (Doc. 182-1). Federal Defendants further attest that “[c]ounsel for the  
5 United States has contacted officials at CI Taft and is prepared to make all necessary  
6 arrangements so that the deposition of Mr. Ioane can be taken with the minimum amount of  
7 inconvenience to this Court and to the prison.” (Doc. 182-1). The Court grants Federal  
8 Defendants’ motion pursuant to Federal Rule of Civil Procedure 30(a)(2)(B).

9 **ORDER**

10 Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B) and for good cause shown,  
11 Federal Defendants’ motion is hereby GRANTED. Counsel for Federal Defendants are granted  
12 leave to notice and take the deposition of Plaintiff Michael S. Ioane at Taft Correctional  
13 Institution, where Mr. Ioane is currently incarcerated.

14  
15  
16  
17  
18  
19 IT IS SO ORDERED.

20 Dated: January 9, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE