

1
IN THE UNITED STATES DISTRICT COURT FOR THE

2
EASTERN DISTRICT OF CALIFORNIA

3
4
5 MICHAEL S. IOANE, ET AL.,)
6 Plaintiff,) Case No. 1:07-cv-00620-AWI-GSA
7 v.)
8 KENT SPJUTE, ET AL.,)
9 Defendants.) **Order Re. Defendants' Motion For**
10) **Leave To Depose A Person Confined in**
11) **Prison**
12) (Doc. 182)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)

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).

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

ORDER

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

IT IS SO ORDERED.

Dated: **January 9, 2014**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE