

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

TARZAR R. NELSON,)	No. 1:07-cv-0802-GMS
Plaintiff,)	
vs.)	ORDER
SHEILA COSTELLO, et al.,)	
Defendants.)	

Pending before the Court is Defendants' Motion to Compel Plaintiff's Personal Attendance at Deposition and Request for Sanctions (Dkt. # 54). After having reviewed the motion to which Defendant filed no reply the motion is denied in part and granted in part. Plaintiff shall make himself available telephonically for deposition prior to September 11, 2009. Plaintiff has previously failed to appear at his previously noticed deposition. If Plaintiff persists in failing to cooperate with his telephonic deposition by September 11, 2009 then the Court advises Plaintiff risks to have his case dismissed with prejudice. Therefore,

IT IS HEREBY ORDERED denying in part and granting in part Defendant's Motion to Compel (Dkt. # 54) and directing Plaintiff make himself available for a telephonic deposition noticed by Defendants no later than September 11, 2009.

DATED this 8th day of September, 2009.

G. Murray Snow

G. Murray Snow
United States District Judge