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

STEVEN MARTINEZ,

Plaintiff,

vs.

STATE OF CALIFORNIA,

Defendant.

CASE NO. 1:07-cv-00996 DLB

ORDER REGARDING EX PARTE
APPLICATION TO CLARIFY THE COURT
ORDER PERMITTING DEPOSITIONS BY
PLAINTIFF
(Doc. 103)

Plaintiff is a state prisoner and proceeding with counsel in a civil rights action pursuant to 42 U.S.C. § 1983. On January 21, 2009, Plaintiff filed an *ex parte* application to clarify the court's order permitting depositions by Plaintiff. Defendants filed an opposition to the *ex parte* application on January 22, 2009.

By the instant application, Plaintiff asks the Court to clarify its order regarding Plaintiff's motion for leave to take depositions in excess of the limits imposed by the Federal Rules of Civil Procedure. On November 21, 2008, the Court heard arguments from the parties regarding Plaintiff's request for additional depositions. On December 3, 2008, the Court issued a written order, granting Plaintiff "leave to depose the defendants identified in his motion, as well as four (4) additional witnesses." As Plaintiff identified six defendants in his motion, the Court essentially ordered that Plaintiff could take 10 more depositions in this matter. To clarify further, Plaintiff was (and is) limited to the 10 additional depositions. If Plaintiff wants to exceed that amount, then he must seek

1 the Court's leave.

2 To the extent that Plaintiff's *ex parte* application seeks an order requiring Defendants to
3 produce an additional witness for deposition, the application is DENIED.

4 IT IS SO ORDERED.

5 **Dated: January 23, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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