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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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10 EMELITO EXMUNDO,   CASE NO. 1:08-CV-00822-DLB PC

11   Plaintiff,   ORDER GRANTING LEAVE TO CONDUCT
                                                    DEPOSITION VIA VIDEO CONFERENCE

12   v.   (ECF NO. 38)

13 R. KANE, et al.,

14   Defendants.
                                              /

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16   Plaintiff Emelito Exmundo ("Plaintiff") is a California state prisoner proceeding pro se in

17 this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's

18 complaint against Defendants R. Kane and Ross for retaliation in violation of the First

19 Amendment, interference with medical care in violation of the Eighth Amendment, and violation

20 of the California Constitution.

21   On July 20, 2010, Defendants filed a motion requesting leave to conduct Plaintiff's

22 deposition by video conference. (ECF No. 38.) Defendants contend that because Plaintiff is

23 currently incarcerated at Pleasant Valley State Prison, and Defense counsel is located in

24 Sacramento three and a half hours away, Defendants would incur unnecessary travel expenses if

25 required to conduct the deposition in person. (Defs.' Mot. 1:25-2:4.)

26   Pursuant to Rule 30(b)(4) of the Federal Rules of Civil Procedure, the Court may grant

27 such a request on motion. Absent a showing of prejudice by Plaintiff, the Court grants

28 Defendants' motion. If Pleasant Valley State Prison does not have the equipment for a video

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conference readily available, the prison is not required to obtain such equipment. In such

situation, Defendants' request to conduct the deposition by remote means is denied.

Accordingly, it is HEREBY ORDERED that Defendants' motion requesting to conduct

Plaintiff's deposition via video conference is GRANTED as stated herein.

IT IS SO ORDERED.

Dated: __August 2, 2010__ _____/s/ Dennis L. Beck_____
UNITED STATES MAGISTRATE JUDGE