UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

GERALD LEE MILLER, JR., Plaintiff, v. O. RUFINO, et al., Defendants.	Case No. 08cv1233 BTM(WMC) **ORDER DENYING WITHOUT PREJUDICE MOTION TO SUPPRESS**

Plaintiff has filed a motion to preclude use of his deposition transcript at trial and on appeal on the ground that requested corrections were not made to the transcript. After the filing of Plaintiff's motion, Judge McCurine ordered that Defendants direct the deposition officer to make all of the changes requested by Plaintiff on his errata sheet and thereafter provide certification that the proposed changes were executed correctly. In light of Judge McCurine's order, Plaintiff's motion is **DENIED WITHOUT PREJUDICE**. If Plaintiff still has concerns regarding the accuracy of his deposition transcript at the time of the pretrial conference, Plaintiff may renew his motion at that time.

IT IS SO ORDERED.

DATED: June 15, 2011

Honorable Barry Ted Moskowitz
United States District Judge

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