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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

CESAR URIBE,  
Plaintiff,  
v.  
CORRECTIONAL OFFICER J.  
McKESSON, CORRECTIONAL OFFICER  
MARTINEZ, CORRECTIONAL OFFICER  
ZARAGOSA, CORRECTIONAL OFFICER  
TUZON,  
Defendants.

) Case No. 08cv1285 DMS (NLS)  
)  
) **ORDER DENYING PLAINTIFF'S**  
) **MOTION FOR LEAVE OF COURT TO**  
) **TAKE DEFENDANTS' DEPOSITIONS**  
)  
) [Doc. No. 28]  
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Plaintiff Cesar Uribe, proceeding in forma pauperis, filed a motion for leave of court to take oral depositions of defendants. He asks that the court order prison officials to arrange and allow the taking of Defendants' depositions.

Federal Rule of Civil Procedure 30(a) lays out the circumstances in which leave of court is required to depose a witness. While Plaintiff moves to take Defendants' depositions, he has not presented any reason why--under Rule 30--leave of court is necessary to depose them. The court, therefore, denies this request as moot.

Plaintiff is permitted to conduct discovery while incarcerated, as long as he complies with the Federal Rules of Civil Procedure, the local rules and applicable prison regulations. The Court refers Plaintiff to Federal Rules of Civil Procedure 30 and 45 for procedures on providing notice and issuing


1 subpoenas to deponents.

2           It appears that Plaintiff asks the Court to order the deposition and appoint the videographer and  
3 officer or court reporter so that the court may subsidize the associated costs. The Court refers Plaintiff  
4 to 28 U.S.C. section 1915, which authorizes the court to permit only commencement of suit without  
5 prepayment of fees and costs upon a showing of indigency; it does not require the court to finance a  
6 civil action or appeal. *Hadsell v. Comm'r Internal Revenue Serv.*, 107 F.3d 750, 752 (9th Cir. 1997);  
7 *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1993) (28 U.S.C. § 1915 does not waive payment of fees or  
8 expenses for witnesses); *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam).

9           Plaintiff's motion to order the depositions and subsidize the associated costs is **DENIED**.  
10 Plaintiff, and not the court or prison officials, bears the burden and costs associated with arranging and  
11 taking depositions.

12           **IT IS SO ORDERED.**

13 DATED: January 14, 2010

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15 Hon. Nita L. Stormes  
16 U.S. Magistrate Judge  
17 United States District Court  
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