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

GEORGE BERRY STRONG,

Plaintiff,

vs.

KENNETH ELLIOTT,

Defendant.

Case No. 1:09-cv-00583 AWI JLT (PC)

ORDER REQUIRING PLAINTIFF TO FILE A  
REPLY

(Doc. 33)

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Plaintiff is proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On August 4, 2011, Plaintiff filed a motion to compel Defendant to pay the traveling costs of attending his deposition, which was scheduled for August 18, 2011 in Sacramento, California. (Doc. 31 at 1-2.) Plaintiff explains that he is currently a parolee without any income to afford the cost of traveling from Victorville, California (his current location) to Sacramento. (Id. at 1-3.) In addition, Plaintiff explains that as a parolee, he is unable to travel outside a 50-mile radius of his current location without the permission of his parole officer. (Id. at 3.)

On August 17, 2011, Defendant filed an opposition to Plaintiff's motion. (Doc. 33.) Defendant explains that he is unwilling to take the deposition telephonically because he would be unable to see Plaintiff's physical expressions on the phone. (Id. at 3.) Defendant also explains that he is unwilling to take the deposition by video-conferencing because he is unaware of any location that is equipped for video-conferencing and available to Plaintiff. (Id.) Lastly, Defendant notes that in both scenarios he

1 would be disadvantaged because he would not be able to access and examine any documents Plaintiff  
2 might rely on during the deposition. (Id.) As a compromise, Defendant indicates his willingness to  
3 conduct the deposition in person at the Eastern District Court in Fresno.<sup>1</sup> (Id.)

4 The Court will require Plaintiff to file a reply within **fourteen (14) days** of the date of this  
5 order. Plaintiff shall explain whether or not it is feasible for him to travel to Fresno, California for his  
6 deposition.<sup>2</sup> If Plaintiff maintains that it is not feasible, he shall provide information on his financial  
7 status (employment, sources of income, etc.), including information on how he is currently supporting  
8 himself in terms of food and shelter. In addition, Plaintiff shall provide a letter from his parole officer  
9 indicating that Plaintiff has sought permission to travel to Fresno for his deposition and that his parole  
10 officer has granted or denied the request. **Plaintiff is firmly cautioned that his failure to file a reply**  
11 **in accordance with this order may result in the Court ordering the deposition to occur in Fresno**  
12 **or other convenient location or an order of sanctions, including a recommendation that this case**  
13 **be dismissed.**

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15 IT IS SO ORDERED.

16 Dated: August 19, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>The parties are advised that absent exceptional circumstances, not found here, the courthouse is not available for depositions.

<sup>2</sup> A round-trip fare from Victorville, California to Fresno, California via Greyhound would cost approximately \$140.00.