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

GEORGE BERRY STRONG,	)	1:09-cv-00583-AWI-JLT (PC)
Plaintiff,	)	
vs.	)	ORDER DENYING MOTION TO COMPEL
	)	COPIES OF DEPOSITION TRANSCRIPTS
	)	(Doc. 43)
KENNETH ELLIOTT,	)	
Defendant.	)	ORDER GRANTING IN PART
	)	PLAINTIFF'S SECOND MOTION TO
	)	EXTEND TIME TO FILE OPPOSITION TO
	)	MOTION FOR SUMMARY JUDGMENT
		(Doc. 44)

Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On January 10, 2012, the Court granted Plaintiff's first request for an extension of time to respond to the motion for summary judgment. (Doc. 42) After this, on February 10, 2012, Plaintiff filed a motion compelling Defendants to provide him copies of "the deposition transcript." (Doc. 43) In particular, Plaintiff seeks full copies of each deposition transcript cited by Defendant in his motion for summary judgment. Id. at 2. On February 10, 2012, Plaintiff filed a second motion to extend time to file an opposition to Defendant's motion for summary judgment. (Doc. 44)

As to Plaintiff's motion to compel Defendant to provide him a copy of Plaintiff's deposition transcript, Plaintiff is advised that Defendant has no obligation to do so. Indeed, the Defendant must *purchase* a copy of the transcript from the court reporter for his own use and to

1 provide one to Plaintiff, he would be required to purchase another copy. There is no justification  
2 for requiring Defendant to fund Plaintiff's litigation.

3 On the other hand, because it is a transcript of his own testimony<sup>1</sup>, the Court has no  
4 understanding why Plaintiff feels that it is necessary to have the transcript before he files a  
5 response to the motion for summary judgment. Plaintiff knows his own account of what  
6 occurred without regard for his sworn statements. In any event, Plaintiff has failed to provide the  
7 Court any explanation as to why he believes the transcript is necessary. Therefore, the motion to  
8 compel Defendant to provide Plaintiff a copy of his deposition transcript is DENIED.<sup>2</sup>

9 Moreover, as noted above, Plaintiff fails to explain how not having the transcript has  
10 impeded his ability to prepare his response to the motion. However, the Court will grant Plaintiff  
11 one final extension of 21 days additional to file his opposition.

12 **ORDER**

13 Based upon the foregoing, the Court **ORDERS**:

- 14 1. Plaintiff's motion to compel Defendant to provide a him a copy of his deposition  
15 transcript is **DENIED**;
- 16 2. Plaintiff is granted 21 days from the date of service of this order in which to file  
17 an opposition to the motion for summary judgment.

18 Plaintiff is advised that his failure to file an opposition to the motion for summary judgment in  
19 the time frame set forth will result in the Court determining the motion upon the papers already  
20 submitted and could result in a judgment terminating this litigation.

21 IT IS SO ORDERED.

22 Dated: February 13, 2012

23 /s/ Jennifer L. Thurston  
24 UNITED STATES MAGISTRATE JUDGE

25 \_\_\_\_\_  
26 <sup>1</sup>The only deposition transcript cited by Defendant in the motion for summary judgment is the testimony of  
27 Plaintiff. (Doc. at 13-14)

28 <sup>2</sup>This does not preclude Defendant from providing the requested copy and the Court strongly urges  
Defendant to accommodate Plaintiff's request if it is at all possible.