1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 DEON WADE, 1:09cv0599 AWI DLB 11 ORDER REGARDING MOTION: REQUEST Plaintiff, TO BE PRESENT AT DEPOSITION 12 (Doc. 49) 13 v. 14 FRESNO POLICE DEPARTMENT, et al., 15 Defendants. 16 17 On October 4, 2010, Plaintiff Deon Wade ("Plaintiff"), a state prisoner proceeding pro se 18 and in forma pauperis, filed a motion seeking leave of court to be present at the deposition of 19 Shamika Jackson. Plaintiff's motion was entered on the Court's docket on October 5, 2010. 20 (Doc. 49.) Although the time for Defendants to respond to the motion has not expired, they will 21 not be prejudiced by this Order because there is no merit to Plaintiff's motion. 22 According to Plaintiff, Shamika Jackson's deposition was set for October 6, 2010, at 1:30 23 p.m. at the Fresno City Attorney's Office located in Fresno, California. As a practical matter, the 24 time set for the deposition has passed. Thus, Plaintiff's request to attend the deposition is 25 DENIED as moot. 26 Plaintiff also requests to be present at the deposition of Lamont White "should he become 27 available." (Doc. 49.) The Court finds it unnecessary to address Plaintiff's request because it is 28

premature and no deposition has been scheduled. IT IS SO ORDERED. /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE **Dated:** October 9, 2010