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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FLOYD SCOTT,

Plaintiff,

v.

J. PALMER, et al.,

Defendants.

Case No. 1:09-cv-01329-LJO-SKO (PC)

ORDER ADDRESSING NOTICE
REGARDING WILLINGNESS BUT
INABILITY TO COMPENSATE OFFICER
TO TAKE DEPOSITIONS BY WRITTEN
QUESTIONS

(Docs. 176 and 184)

Plaintiff Floyd Scott (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 29, 2009. This action for damages is proceeding against Defendants Palmer, Rivera, and Lopez (“Defendants”) on Plaintiff’s claim that while he was at Kern Valley State Prison in Delano, California, Defendant Palmer used excessive physical force against him and Defendants Rivera and Lopez failed to intervene, in violation of his rights under the Eighth Amendment of the United States Constitution.

On November 26, 2014, the Court denied Plaintiff’s motion for an order compelling Defendants’ depositions by written questions but provided him thirty days within which to notify the Court if he is willing and able to compensate an officer to take responses and prepare the record, supported by an offer of proof. (Doc. 176, Order, 2:12-16.) On December 29, 2014, Plaintiff notified the Court that he is willing to compensate an officer to take the depositions but he is unable to do so due to his indigency. (Doc. 184.)

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Accordingly, in light of Plaintiff's inability to compensate an officer to takes responses and prepare the record, the issue of depositions by written questions has been resolved, as provided in the order filed on November 26, 2014.

IT IS SO ORDERED.

Dated: January 5, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE