

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FLORENCIO VALLEJO, Plaintiff, v. KATHLEEN ALLISON, et al., Defendants.	Case No. 1:10-cv-02352-AWI-SKO (PC) ORDER REQUIRING DEFENDANT TO CLARIFY RE DEPOSITION VIA VIDEOCONFERENCE AND SHORTENING TIME TO RESPOND TO MOTION FOR APPOINTMENT OF COUNSEL (Docs. 40 and 41) Deadline: 05/15/2014
--	--

Plaintiff Florencio Vallejo (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 17, 2010. This action is proceeding on Plaintiff’s amended complaint, filed on January 3, 2012, against Defendant Gray (“Defendant”) for acting with deliberate indifference to Plaintiff’s medical needs, in violation of the Eighth Amendment of the United States Constitution.

On May 9, 2014, Defendant filed a motion seeking leave to depose Plaintiff via videoconference. Fed. R. Civ. P. 30(b)(4). However, the discovery deadline does not expire until December 20, 2014; the Court was requested to schedule a settlement conference in this matter; the settlement conference is scheduled for June 13, 2014; and Plaintiff is seeking the appointment

1 of counsel given his limited education, inability to speak English, and reliance on a jailhouse
2 lawyer to draft his filings.¹ Given these circumstances, the Court HEREBY ORDERS as follows:

3 1. On or before May 15, 2014, Defendant shall notify the Court whether he intends to
4 depose Plaintiff before the settlement conference scheduled on June 13, 2014; and

5 2. On or before May 15, 2014, Defendant shall file an opposition or a statement of
6 non-opposition to Plaintiff's motion for the appointment of counsel.

7
8 IT IS SO ORDERED.

9 Dated: May 12, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 ¹ The Pro Bono Program Director was informed that Defendant will provide a Spanish interpreter for the settlement conference.