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

THOMAS GOOLSBY,

Plaintiff,

v.

J. GENTRY, et al.,

Defendants.

Case No. 1:11-cv-01773-LJO-DLB
ORDER DENYING PLAINTIFF’S MOTION
TO TAKE DEPOSITION USING
VIDEO/AUDIO EQUIPMENT
(Document 103)

Plaintiff Thomas Goolsby (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Gentry, Noyce, Eubanks, Tyree, Medrano, Holman, Holland and Steadman for retaliation in violation of the First Amendment.

Plaintiff’s October 17, 2014, motion to compel is pending. Discovery closes on April 16, 2015, and the dispositive motion deadline is May 15, 2015.

On March 16, 2015, Plaintiff filed a motion seeking permission to depose Defendants using video and/or audio recording equipment instead of a stenographer. Plaintiff states that he cannot afford the costs associated with a stenographer.

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Depositions, regardless of their form, must be conducted before an officer of the court and must be transcribed by an individual certified to so do. Fed. R. Civ. Proc. 30(b). Plaintiff is proceeding in forma pauperis, and he states that he does not have the ability to pay for a stenographer. However, there is no entitlement to take a deposition and to do so, a party must comply with the Federal Rules of Civil Procedure.

Plaintiff suggests that once the deposition is recorded by video and/or audio mean, he will mail the tapes to “his family for transcribing.” ECF No. 103, at 2. Again, however, the Court cannot disregard the requirements as set forth in Federal Rules of Civil Procedure.

Plaintiff’s motion is therefore DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: March 20, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE