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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEWAYNE THOMPSON,
Plaintiff,
v.
T. ADAMS, et al.,
Defendants.

Case No. 1:13-cv-00655-AWI-SKO (PC)
ORDER DENYING PLAINTIFF'S
MOTIONS FOR LEAVE TO DEPOSE
DEFENDANTS BY WRITTEN QUESTIONS
AND FOR APPOINTMENT OF
STENOGRAPHER
(Docs. 42 and 43)

Plaintiff DeWayne Thompson, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 6, 2013. This action for damages is proceeding on Plaintiff's fourth amended complaint against Defendants Felix, Harmon, Pendergrass, and Cruz for violation of the Eighth Amendment.

On September 28, 2015, Plaintiff filed a motion seeking leave to depose Defendants by written questions and a motion for the appointment of a stenographer. Defendants did not file a response. Local Rule 230(l).

As Plaintiff recognizes, depositions by written questions entail more than mailing questions to the deponents and awaiting their written responses. Fed. R. Civ. P. 31. However, there is no entitlement to take a deposition, and there are no funds available to retain an officer to take responses and prepare the record. Fed. R. Civ. P. 31(b); *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (expenditure of public funds on behalf of indigent litigants proper only when authorized by Congress).

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Accordingly, Plaintiff's motions for leave to depose Defendants by written questions and for the appointment of a stenographer are HEREBY DENIED.

IT IS SO ORDERED.

Dated: October 28, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE