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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 ARCHIE CRANFORD,

11 Plaintiff,

12 v.

13 CHRISTINA CRAWFORD,

14 Defendant.
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CASE NO. 1:14-cv-00055-AWI-MJS (PC)

**ORDER DENYING AS MOOT MOTION
FOR PAPER DEPOSITION**

(ECF No. 24)

16 Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil
17 rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against
18 Defendant Crawford on Plaintiff's Fourteenth Amendment inadequate medical care
19 claim. (ECF No. 14.)

20 Before the Court is Plaintiff's August 11, 2014 motion for paper deposition. (ECF
21 No. 24.) Defendant did not oppose the motion.

22 Federal Rule of Civil Procedure 31 allows a party to depose any person by written
23 questions without leave of Court, except as provided for in Rule 31(a)(2). Fed. R. Civ. P.
24 31(a)(1). Rule 31(a)(2)(A) requires a party to seek leave of the Court if there is no
25 stipulation and (1) the party seeking written depositions would be afforded more than ten
26 depositions, (2) the deponent already has been deposed, or (3) discovery is not yet
27 open. Leave also is required if the deponent is confined in prison. Fed. R. Civ. P.
28 31(a)(2)(B).

1 Plaintiff's motion was made prior to Plaintiff conducting any discovery. (See ECF
2 No. 24.) There is no indication that any of the factors requiring leave of the Court under
3 Rule 31(a)(2) are present. Plaintiff need not seek leave prior to deposing any person by
4 written questions.

5 Accordingly, his motion for paper deposition (ECF No. 24) is HEREBY DENIED
6 as moot.

7
8 IT IS SO ORDERED.

9 Dated: January 26, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE