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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL BENANTI,)	Case No. 1:17-cv-01556-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER OVERRULING PLAINTIFF'S
v.)	OBJECTIONS TO TAKING OF HIS
)	DEPOSITION
MATEVOUSIAN,)	
)	[ECF No. 57, 58]
Defendants.)	
)	
)	
)	
)	

Plaintiff Michael Benanti is appearing pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 28, 2019, Plaintiff filed objections to the notice of the taking of his deposition.

Because the deposition is set to take place on May 30, 2019, the Court directed Defendants to file a response on or before today at 12:00 p.m. Defendants filed a response on May 29, 2019.

Plaintiff contends that Defendants failed to set the deposition on fourteen days' notice, and he has been unable to prepare for the deposition. However, contrary to Plaintiff's contention, Defendants provided Plaintiff with the requisite fourteen days' notice. (Defs' Resp. at p. 3.)

Plaintiff fails to present a sufficient basis or evidence that he has not had time to prepare for his deposition. Defendants submit that Plaintiff was served with responses to his written discovery on

1 March 4, 2019. (Id. at p. 2.) Although Plaintiff contends that he is on lockdown 24 hours a day, he
2 fails to present any evidence that any particular preparation is necessary to answer questions regarding
3 the claims at issue in this action. The deposition is scheduled to take place on May 30, 2019, and
4 Defendants submit will last no more than half a day. (Id. at p. 1.) In addition, the deposition will take
5 place at the United States Penitentiary—Atwater, and Plaintiff is not subject to any travel time or
6 expense. (Id. at p. 2.) Discovery in this case expires on June 16, 2019, and counsel is unavailable
7 between June 10, 2019, and the close of discovery. Based on the record in this case, the Court finds
8 no reason why Plaintiff cannot appear at the properly noticed deposition. Plaintiff is advised that “[a]n
9 objection at the time of the examination—whether to evidence, to a party’s conduct, to the officer’s
10 qualification, to the manner of taking the deposition, or to any other aspect of the deposition—must be
11 noted on the record, but the examination still proceeds.” Fed. R. Civ. P. 30(c)(2). Accordingly,
12 Plaintiff’s objections to the taking of his deposition on May 30, 2019, are overruled.

13
14 IT IS SO ORDERED.

15 Dated: May 29, 2019



UNITED STATES MAGISTRATE JUDGE