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

CLAUDE CARR,)	Case No. 1:17-cv-01769-DAD-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION
v.)	TO COMPEL AS MOOT
)	
TED PRUITT,)	(ECF No. 71)
)	
Defendant.)	
)	
)	
)	

Plaintiff Claude Carr is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding against Defendant Pruitt for deliberate indifference in violation of the Eighth Amendment. The discovery and scheduling order issued in this case on May 23, 2019. (ECF No. 30.) After an unsuccessful settlement conference, the Court issued an amended discovery and scheduling order on September 4, 2019. (ECF No. 46.)

Currently before the Court is Plaintiff’s motion to compel, filed October 23, 2020. (ECF No. 71.) Defendant filed an opposition on November 13, 2020. (ECF No. 72.) The Court deems Plaintiff’s motion suitable for review without the filing of a reply by Plaintiff. Local Rule 230(1).

Plaintiff moves to compel Defendant Pruitt to conduct his deposition within thirty days of the Court’s order granting Defendant’s third motion to extend the discovery and dispositive motion deadlines. (ECF No. 71 at 1, 3.)

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Defendant submits that Plaintiff's deposition was conducted on November 12, 2020. (ECF No. 71 at 2, Ex. A.) Consequently, Plaintiff's motion to compel the taking of his deposition is now moot and is denied on that basis.

IT IS SO ORDERED.

Dated: November 16, 2020


UNITED STATES MAGISTRATE JUDGE