

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES S. BUSH,

Plaintiff,

V.

FLOWERS, et al.,

## Defendants.

Case No. 1:20-cv-00015-NONE-EPG (PC)

**ORDER GRANTING MOTION FOR  
LEAVE TO DEPOSE INCARCERATED  
WITNESS AND VACATING HEARING**

(ECF No. 54)

Plaintiff James Bush is proceeding *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On November 18, 2021, Plaintiff filed a motion for leave to depose Anthony Ramirez, an incarcerated witness. (ECF No. 54). According to Plaintiff, Defendants do not object to the deposition of Ramirez. Additionally, Ramirez is an eyewitness to the critical event in this case (the alleged excessive force incident).

Under Federal Rule of Civil Procedure 30(a)(2)(B), “A party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) … if the deponent is confined in prison.”

As Defendants do not oppose the motion, and as Plaintiff has alleged that defendant Ramirez is an eyewitness to the alleged excessive force incident, the Court will grant Plaintiff's motion.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff has leave to depose Anthony A. Ramirez (CDCR #BM4533); and  
3 2. The hearing set for December 17, 2021, is VACATED.

4 IT IS SO ORDERED.

5 Dated: November 19, 2021

6 /s/ *Eric P. Groj*  
7 UNITED STATES MAGISTRATE JUDGE