Cerniglia v. Sacramento County, et al Doc. 154

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN ROBERT CERNIGLIA,

Plaintiff, No. CIV S-99-1938 JKS DAD

v.

COUNTY OF SACRAMENTO, et al., ORDER

Defendants.

_____/

Plaintiff's Request for Authority to Incur Costs and Request for Payment filed October 22, 2007, Docket No. 125, has been referred to the undersigned for hearing and determination.

By plaintiff's October 22, 2007 request, appointed counsel sought authority to incur up to $8,810.00 to depose twelve individually named defendants and two representatives of the County of Sacramento. It appears that counsel sought payment of the estimated deposition expenses in advance of incurring them. On December 6, 2007, plaintiff filed a document titled "Proposed Order Re Plaintiff's Request to Withdraw Request for Authority to Incur Costs (Appointed Counsel) and Request for Payment and Proposed Order," Docket No. 127. In the latter document, counsel requested that plaintiff's request filed October 22, 2007 be withdrawn. Counsel explained that, in accordance with Eastern District General Order No. 230, plaintiff

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would seek reimbursement for deposition expenses through the California Certified Shorthand Reporters' fund pursuant to California Business and Professions Code section 8030.2 et seq.

The undersigned finds that plaintiff's request to withdraw the October 22, 2007 request should be granted for the reason stated in the request to withdraw. However, in light of the referral of Request No. 125 for hearing and determination, the undersigned will provide plaintiff with an opportunity to advise the court if it was not counsel's intention to withdraw Request No. 125. No filing is necessary if plaintiff wants the court to grant plaintiff's Request No. 127 and terminate plaintiff's Request #125.

Accordingly, IT IS ORDERED that plaintiff is granted seven court days from the filing date of this order to advise the court in writing if it was not plaintiff's intention to withdraw Request No. 125.

DATED: January 31, 2008.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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