

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIM FERGUSON

Plaintiff,

No. CIV S-06-1301 MCE CKD P

vs.

C. HALL

Defendant.

ORDER

Plaintiff is a former state prisoner proceeding without counsel in an action under 42 U.S.C. § 1983. On January 10, 2011, defendant Hall moved to compel plaintiff's deposition, arguing that an order from the court was necessary in light of plaintiff's failure to appear for deposition on December 22, 2011, despite having been duly noticed. Plaintiff has not responded to the motion.

Plaintiff's failure to respond to opposing counsel or the court relieves the defendant of the obligation to file a joint statement under Local Rule 251(e). The court finds that defendant Hall has met the conferring requirements set out in Fed. R. Civ. P. 37(a)(1) and Local Rule 251(b) and that the motion to compel plaintiff to appear for deposition is well taken. Plaintiff will be ordered to show cause why he should not be charged with the defendant's reasonable expenses in bringing the instant motion, including attorney's fees. Fed. R. Civ. P. 37(a)(5)(A).

1                   Accordingly, IT IS HEREBY ORDERED that:

2                   1. The motion to compel plaintiff's deposition (Docket No. 71) is granted.

3 Plaintiff has seven days in which to confer with opposing counsel to schedule his appearance for  
4 deposition in the Los Angeles, California, area. The deposition shall occur no later than thirty  
5 days after the date of this order.

6                   2. Plaintiff has fourteen days in which to show cause to the court why he should  
7 not be charged with defendant Hall's reasonable expenses incurred in bringing the motion to  
8 compel, including attorney's fees, as provided in Fed. R. Civ. P. 37 (a)(5)(A).

9 Dated: February 28, 2012

10   
11 \_\_\_\_\_  
12 CAROLYN K. DELANEY  
13 UNITED STATES MAGISTRATE JUDGE

14 <sup>3</sup>  
15 ferg1301.ord