

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

JAMES ANTHONY GUERRERO,

Plaintiff,

No. CIV S-10-0318 GEB DAD P

vs.

S. McCLURE, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Defendants Ferguson, Fecht, Fox and Montes, represented by Deputy Attorney General Michelle Angus, have requested an order under Rule 30(b)(4) of the Federal Rules of Civil Procedure allowing the deposition of plaintiff to be taken via video-conference. Defendants assert that plaintiff is incarcerated at the California Substance Abuse Treatment Facility and California State Prison - Corcoran.¹

In the court’s order, filed on September 29, 2011, defendants were granted leave to depose plaintiff “as set forth in the court’s June 29, 2010 discovery and scheduling order.” In that same order November 18, 2011, was set as the deadline for conducting the deposition and

¹ The court has been advised that video-conferencing is unavailable at this time at both of these institutions.

1 for filing a motion to compel discovery. In the court's June 29, 2010 order, the court granted
2 defendants leave to depose plaintiff so long as fourteen days notice was provided to plaintiff.
3 See Order (Doc. No. 17) at 5. Therefore, defendants' request for a court order is unnecessary.

4 Accordingly, IT IS HEREBY ORDERED that defendants' November 2, 2011
5 request to conduct plaintiff's deposition via videoconference (Doc. No. 48) is denied as
6 unnecessary.

7 DATED: November 2, 2011.

8
9 
10

DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

10 DAD:4
11 guer0318.depo