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

JAMES M. MILLIKEN,

Plaintiff,

No. 2:10-cv-1412-FCD-JFM (PC)

vs.

MR. LIGHTFIELD, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on plaintiff's first amended complaint, filed October 8, 2010. Plaintiff claims that his rights under the Eighth Amendment were violated by deliberate indifference to his health and safety.

By order filed June 18, 2012, the court directed a procedure for deposition by written questions of inmate William Sylvester. Defendants have now filed objections to the proposed questions for said inmate and proposed written cross-examination questions, and plaintiff has filed objections to the proposed cross-examination questions. After review of all of the relevant documents, and good cause appearing, all of the proposed questions and cross-examination questions will be forwarded to inmate Sylvester for responses. All objections to the

1 proposed questions and proposed cross-examination questions will be preserved and
2 admissibility of any and all responses will be subject to said objections and any others that may
3 be raised at the time any response is offered into evidence.

4 The court now orders the clerk to forward a copy of the direct examination
5 questions and the cross-examination questions to the deponent along with a subpoena issued by
6 the court and a copy of this order. The deponent shall write out the answers to the questions on
7 the forms provided, swear to their truthfulness, and return them to the court. The clerk shall then
8 forward copies of the answers to the parties. Counsel for defendants are ordered to provide such
9 assistance as is required within the prisons to effectuate this order. The deposition shall occur
10 within thirty days from the date of this order.

11 In accordance with the above, IT IS HEREBY ORDERED that:

12 1. The clerk of the court is ordered to forward the subpoena, a copy of this order,
13 a copy of the written deposition questions (pages 5-8 of document # 59), and a copy of the
14 written cross-examination questions (document # 61) to William Sylvester, # H-71192,
15 California State Prison-Sacramento, P.O. Box 290002, Represa, CA 95671;

16 2. Mr. Sylvester shall return the questions pursuant to subpoena to the court not
17 later than thirty days after the date of this order;

18 3. Upon receipt of the deposition answers, the clerk of the court shall forward
19 copies to the parties; and

20 4. Plaintiff's opposition to defendants' September 27, 2012 motion for summary
21 judgment shall be filed and served not later than thirty days after service of inmate Sylvester's

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1 responses and defendants' reply, if any, shall be filed and served not later than fourteen days
2 thereafter.

3 DATED: September 28, 2012.

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6 UNITED STATES MAGISTRATE JUDGE

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