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

CARL FOUNTAIN,

Plaintiff,

No. CIV S-10-2633 KJM DAD P

vs.

A. LEBRON, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Before the court is defendants ex parte application for leave to depose plaintiff and plaintiff's substitution of attorney.

In the court's discovery and scheduling order, filed on July 28, 2011, the procedure for the taking of plaintiff's deposition was set forth. See Doc. No. 30 at 5. Pursuant to that procedure, leave of court is not required for the taking of plaintiff's deposition. Therefore, the defendants' application will be denied as unnecessary.

On September 8, 2011, attorney David Springfield filed a notice of substitution of counsel for plaintiff. Plaintiff Carl Fountain has indicated that he consents to the substitution. Plaintiff's substitution of attorney will be approved.

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Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' September 8, 2011 ex parte application for leave to depose plaintiff (Doc. No. 36) is denied as unnecessary; and

2. Plaintiff's substitution of attorney, filed on September 12, 2011, is granted and attorney David Springfield is substituted as plaintiff's attorney of record.

DATED: September 27, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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