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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID G. LEONARD,  
Plaintiff,  
v.  
JIM DENNY, et al.,  
Defendants.

No. 2:12-cv-0915 TLN AC P

ORDER

Plaintiff is a former county and current state prisoner proceeding pro se and in forma pauperis in this action. Currently before the court are plaintiff’s objections to the taking of his deposition as noticed (ECF No. 87) and second request for blank subpoena forms (ECF No. 88).

Plaintiff objects to the taking of his deposition as noticed on the grounds that the notice requests that plaintiff be placed in restraints during the deposition and that the notice indicates a potential for exceeding the “one day of seven hours” limitation set by Federal Rule of Civil Procedure 30(d)(1). ECF No. 87. Plaintiff avers that given his history and current custody level, the use of restraints is unnecessary and “overly oppressive, punitive, and harassing in nature.” Id. at 1. He further states that he “does not object to a reasonable deposition, however, he objects to the NOTICE as served.” Id. at 2. According to the notice of deposition plaintiff has attached to his motion, his deposition was scheduled to take place on July 12, 2016. Id. at 6-7. The court did not receive the motion until after that date. Counsel for defendants will therefore be required to

1 file a notice with the court advising whether plaintiff's deposition took place and was completed  
2 as scheduled or whether they still need to complete plaintiff's deposition.

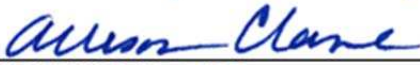
3 With respect to plaintiff's request for blank subpoena forms (ECF No. 88), this request  
4 will be denied as moot because the court has already directed the Clerk of Court to send plaintiff  
5 the requested forms (ECF No. 86).

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Defendants shall have until July 22, 2016, to file a notice with the court advising  
8 whether plaintiff's deposition took place and was completed as scheduled on July 12, 2016, or  
9 whether the deposition still needs to be completed.

10 2. Plaintiff's request for blank subpoena forms (ECF No. 88) is denied as moot.

11 DATED: July 20, 2016

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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