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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER HOWARD WHITE,

Plaintiff,

v.

SMYERS, et al.,

Defendants.

No. 2:12-cv-2868 MCE AC P

ORDER

Plaintiff has filed a “Supplemental Statement to Court’s Order of April 23, 2015,” again seeking to stay his further deposition. See ECF No. 158. Plaintiff again asserts that his “urgent medical needs” preclude reconvening his deposition. This court previously considered plaintiff’s medical needs and side effects to medications, together with his other allegations, as a motion for protective order to deny or postpone his further deposition, and denied the motion. For the reasons previously stated, see ECF No. 153 at 5-8, the court will not revisit these matters, which have been repeatedly and thoroughly addressed.¹

¹ As this court has previously noted, plaintiff’s lengthy and numerous typed filings controvert his complaints of spinal pain so severe as to preclude his further deposition. The preliminary injunctive relief that plaintiff now seeks – that defendants provide plaintiff with necessary medical care, including surgery, prior to reconvening his deposition – is inconsistent with the reasonable inference drawn from plaintiff’s copious, cogent and typed filings that he is capable of extended concentration and maintaining an upright posture. Plaintiff’s current demand for surgery is premature as it mirrors his request for permanent injunctive relief should he prevail on the merits of this action. Moreover, as the court has repeatedly noted, numerous


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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s “Supplemental Statement,” ECF No. 158, construed as a further request for protective order precluding plaintiff’s further deposition, is DENIED, for the reasons previously stated by the court, see ECF No. 153 at 5-8, 9.

2. Subject to the conditions previously established by the court, see id. at 7-8, defendants shall together schedule plaintiff’s further deposition on one day between August 31, 2015 and October 16, 2015, and shall inform the court of such date within five days of its scheduling.

DATED: August 5, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

accommodations were previously made to support plaintiff’s medical and medication needs during his initial deposition, and such accommodations remain available to plaintiff when he participates in his further deposition. See ECF No. 153 at 7-8.