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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DONALD M. WANLAND, JR.,
Defendant.

No. 2:13-cv-2343-KJM-KJN PS

ORDER

Presently pending before the court is defendant’s motion for a protective order. (ECF No. 44.) According to that motion, the United States has noticed the deposition of Steven Campbell, defendant’s former accountant, to take place on Tuesday September 29, 2015, at 10:00 a.m., at the offices of the United States Attorney for the Eastern District of California in Sacramento, California. Defendant contends that, although the notice of deposition invites him to attend and cross-examine the witness, defendant cannot attend that deposition in person, because he is incarcerated. Defendant requests modification of the scheduling order to allow postponement of the deposition until his release from prison, or in the alternative, an order requiring the deposition to take place at the Atwater prison.

For the reasons discussed in previous orders, the court declines to modify the scheduling order. Additionally, as defendant himself points out, it would be burdensome and impractical for the third party witness to attend a deposition at Atwater prison. Therefore, the court instead finds

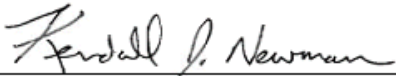
1 it appropriate to permit defendant to appear at the deposition by telephone.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Defendant's motion for a protective order (ECF No. 44) is GRANTED IN PART.
- 4 2. Defendant shall be permitted to appear at the September 29, 2015 deposition by
5 telephone.
- 6 3. Counsel for the United States shall forthwith contact the Atwater prison to make
7 arrangements for defendant's telephonic appearance.

8 IT IS SO ORDERED.

9 Dated: September 24, 2015

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE
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