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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT BRUCE,  
Plaintiff,  
v.  
SHAMA CHAIKEN, et al.,  
Defendants.

No. 2: 15-cv-0960 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On August 31, 2017, the undersigned granted defendants’ request to depose plaintiff’s expert, Dr. Mallory, by video. (ECF No. 70.)

Pending before the court is plaintiff’s September 11, 2017 motion for leave to depose Dr. Mallory by written question. (ECF No. 72.) Plaintiff alleges that he is without other means to participate in the deposition of Dr. Mallory. (Id.) On September 22, 2017, defendants filed an opposition to plaintiff’s motion. (ECF No. 73.) Defendants state that defense counsel intends to make arrangements for plaintiff to participate in the deposition via telephone or video.

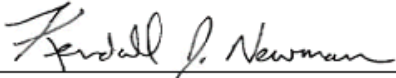
Because plaintiff will be able to participate in the deposition of Dr. Mallory, by either telephone or video, plaintiff’s request to depose Dr. Mallory by written question is unnecessary. Plaintiff will be permitted to cross-examination Dr. Mallory and make appropriate objections.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for leave to depose Dr. Mallory by written question (ECF No. 72) is denied as unnecessary.

Dated: September 28, 2017

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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