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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KASEY F. HOFFMAN,
Plaintiff,
v.
LASSEN ADULT DETENTION
FACILITY, et al.,
Defendants.

No. 2: 15-cv-1558 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s October 12, 2016 motion to compel. (ECF No. 60.) Also pending is plaintiff’s November 28, 2016 pleading titled “opposition to defendants’ request and notice of taking videotaped deposition.” (ECF No. 63.) For the following reasons, plaintiff’s motion to compel and opposition are denied.

Opposition to Videotaped Deposition

Plaintiff alleges that he received a notice of taking videotaped deposition from defendants. Plaintiff does not attach a copy of the notice or state the date on which the videotaped deposition was to occur. Plaintiff objects to the noticed deposition on several grounds.

First, plaintiff objects that defendants did not comply with Federal Rule of Civil Procedure 30(a)(2), which states that a party must obtain leave of court prior to taking a

1 deposition. The August 25, 2016 discovery order provides that, pursuant to Federal Rule of Civil
2 Procedure 30(a), defendants may depose, either in person or by videoconference, plaintiff and any
3 other witness confined in prison. (ECF No. 51 at 5.) Because the discovery order granted
4 defendants leave to depose plaintiff, plaintiff's objection that defendants did not comply with
5 Rule 30(a)(2) is without merit.

6 Plaintiff next objects that he does not want his deposition videotaped because he will
7 appear wearing prison clothing, which may bias the jury. This objection is premature. If and
8 when plaintiff's videotaped deposition is shown to the jury, plaintiff may object on these grounds.

9 Motion to Compel

10 Plaintiff alleges that defendants did not serve him with responses to interrogatories and a
11 request for production of documents within thirty days. Plaintiff requests that defendants be
12 sanctioned for failing to provide him with timely responses to his discovery requests.

13 In the opposition to the motion to compel, defendants correctly observe that the discovery
14 order extends the time to respond to written discovery to 45 days from the date of service. (See
15 ECF No. 51 at 4.)

16 Defendants state that plaintiff served three discovery requests. Plaintiff served defendants
17 with interrogatories on August 28, 2016. Defendants calculated a response deadline of October
18 12, 2016 for these interrogatories. Plaintiff served another set of interrogatories and a request for
19 production of documents on September 1, 2016. Defendants calculated a response deadline of
20 October 17, 2016 for these discovery requests. Defendants state that plaintiff has now been
21 served with responses to all three discovery requests.

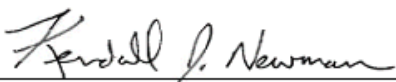
22 Plaintiff's motion to compel, and request for sanctions, are denied because defendants
23 provided plaintiff with timely responses to his discovery requests.

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. Plaintiff's motion to compel (ECF No. 60) is denied;
26 2. Plaintiff's opposition to the videotaped deposition (ECF No. 63) is denied.

27 Dated: December 12, 2016

28 Hoff1558.dep

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE