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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE WILLIAMS,
Plaintiff,
v.
R. AGREDANO, et al.,
Defendants.

No. 2: 15-cv-1767 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 defendants’ motion to compel plaintiff’s attendance at her deposition. (ECF. No. 24.) Plaintiff has not opposed this motion. For the following reasons, defendant’ motion to compel is granted.

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, a party propounding discovery or taking a deposition may seek an order compelling responses when an opposing party has failed to respond or has provided evasive or incomplete responses. According to defendants, on March 8, 2016, they served plaintiff with a notice of deposition, which included a request for production of documents. (ECF No. 24-2 at 16-19.) The deposition was scheduled for April 7, 2016, at 9:00 a.m., at California State Prison-Sacramento (“CSP-Sac”). (Id.)

At no time prior to April 7, 2016, did defendants receive any objection to the notice of deposition, or any communication from plaintiff, in which she indicated that she could not attend

1 the deposition on April 7, 2016. (Id. at 2.) On April 7, 2016, defense counsel traveled to CSP-
2 Sac, and was escorted to the room in which the deposition was to take place. (Id.) At about 9:00
3 a.m., Officer Enriquez informed defense counsel that an officer had gone to plaintiff's cell to
4 escort her to the deposition, but that plaintiff refused to come out of her cell. (Id.)


5 Because this is the first instance in which plaintiff has refused or otherwise failed to attend
6 her deposition, defendants do not seek sanctions at this time. Defendants state that if plaintiff
7 fails to attend her deposition a second time, following issuance of a court order, defendants
8 reserve the right to seek sanctions.

9 Defendants have demonstrated that plaintiff failed to attend her deposition without good
10 cause. Accordingly, defendants' motion to compel is granted. Plaintiff is ordered to attend her
11 deposition. If plaintiff again refuses to attend her deposition, she will be subject to sanctions
12 including monetary sanctions and/or the dismissal of this action.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Defendants' motion to compel (ECF No. 24) is granted;
- 15 2. Plaintiff is ordered to attend her deposition.

16 Dated: May 20, 2016

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE

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