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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REAGAN THOMAS,  
Plaintiff,  
v.  
RAVERA, et al.,  
Defendants.

No. 2:15-cv-1936 KJM AC P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion for deposition by phone. ECF No. 32. In the motion, Plaintiff states that he does not have the funds to conduct a traditional deposition and asks that he be allowed to conduct an oral deposition by phone and have it recorded. Id.

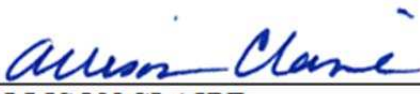
A deposition must be conducted before an officer authorized to administer oaths or a person appointed by the court to administer oaths and take testimony, unless the parties stipulate otherwise. Fed. R. Civ. P. 28(a), 30(a)(5)(A). It appears that plaintiff is seeking leave to simply record himself questioning defendant Rivera by telephone. This does not satisfy the requirements of a deposition and the request will be denied.

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1 If plaintiff is able to secure the services of an officer<sup>1</sup> for the deposition, the court will  
2 consider a request to allow the deposition to be taken by telephone.<sup>2</sup> However, the court will not  
3 order an officer to provide his or her services without compensation. Nor will the court require  
4 defendant to stipulate to allowing the deposition to taken before by an individual who is not an  
5 officer authorized to administer oaths or a person appointed by the court to administer oaths and  
6 take testimony.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for deposition by phone  
8 (ECF No. 32) is DENIED.

9 DATED: December 8, 2017

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11 ALLISON CLAIRE  
12 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>1</sup> "The term 'officer' . . . includes a person appointed by the court under this rule or designated by  
26 the parties under Rule 29(a)." Fed. R. Civ. P. 28(a)(2).

27 <sup>2</sup> Although plaintiff has expressed reservations about conducting a deposition by written  
28 questions, the court will also consider allowing plaintiff to conduct the deposition in this manner.  
However, a deposition by written question also requires the services of an officer. Fed. R. Civ. P.  
31(b).