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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERICK E. LEONARD,
Plaintiff,
v.
M. THOMPSON, et al.,
Defendants.

No. 2:16-cv-2767 DB P
ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action. Plaintiff alleges an Eighth Amendment claim of failure to protect and a claim that his due process rights were violated in a disciplinary hearing. Each defendant has filed a motion for summary judgment (ECF Nos. 41, 42), plaintiff has filed a cross motion and response to defendants’ motions (ECF No. 46), and defendants have each filed a response (ECF Nos. 47, 48).


Defendant Thompson relies on plaintiff’s February 23, 2018 deposition in his response to plaintiff’s cross-motion for summary judgment and produced a portion of the deposition to support its contention. (ECF No. 47-1 at 1, 18.) Defendants stated that a deposition transcript was electronically submitted to the undersigned’s chambers and a copy was also served on plaintiff. (ECF Nos. 41-7, 42-6.)

Local Rule 133(j) provides in part that “counsel relying on a deposition shall ensure that a courtesy hard copy of the entire deposition so relied upon has been submitted to the Clerk for use in chambers. Alternatively, counsel relying on a deposition may submit an electronic copy of the

1 deposition in lieu of the courtesy paper copy to the e-mail box of the Judge or Magistrate Judge
2 and concurrently email or otherwise transmit the deposition to all other parties.” There is no
3 record indicating a courtesy copy was submitted to the court and the undersigned has not received
4 an electronic copy of the deposition. Accordingly, counsel for defendant will be directed to
5 provide the court with a copy of the entire deposition transcript.

6 IT IS HEREBY ORDERED that counsel for defendants shall comply with Local Rule
7 133(j) and submit a courtesy copy of the deposition transcript or email an electronic copy of the
8 transcript to dborders@caed.uscourts.gov no later than March 7, 2019.

9 Dated: February 27, 2019

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12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE

14 DLB:12
15 DB/orders/prisoner-civil rights/leon2767.depo.trans
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