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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISA BELYEW,
Plaintiff,
v.
LARRY LORMAN,
Defendant.

No. 2:17-cv-0723 MCE CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Defendant is a Colusa police officer.

On July 31, 2018, plaintiff filed a motion asking that the court either order that defendant not be permitted to depose plaintiff or that she be permitted to have “Tait Belyew” present for “emotional support.” Plaintiff fails to provide the court with any valid legal basis for the granting of such an order.¹ Accordingly, the motion will be denied.

On August 28, 2018, defendant filed a motion seeking an order compelling plaintiff to be deposed since she has refused. Plaintiff has not filed an opposition to this motion. Good cause appearing, plaintiff will be provided 30 days within which to file an opposition to the motion or a

¹ Plaintiff points to provisions of California law in support of her motion. Those provisions are not applicable in federal court. Plaintiff does point to provisions of federal law as well, but such provisions are either inapplicable or plaintiff fails to put forward facts justifying the order she seeks.

1 statement of non-opposition. While plaintiff may put forth any good faith argument in support of
2 an opposition to her being deposed, plaintiff must be careful to avoid citation to inapplicable law,
3 and presentation of irrelevant facts. Also, plaintiff is informed that failure to file any response to
4 defendant's motion to compel will result in a recommendation that this action be dismissed
5 pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

6 Accordingly, IT IS HEREBY ORDERED that

7 1. Plaintiff's motion for a protective order (ECF No. 41) is denied.

8 2. Within thirty days of the date of this order, plaintiff shall file a response to defendant's
9 pending motion to compel. Failure to comply with this order will result in dismissal of this action
10 pursuant to Federal Rule of Civil Procedure 41(b).

11 Dated: September 28, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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