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E-FILED - 10/13/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY A. MONTES,)	No. C 09-0976 RMW (PR)
)	
Plaintiff,)	ORDER DENYING
)	PLAINTIFF'S MOTION FOR
v.)	ORAL DEPOSITIONS
)	
CORRECTIONAL OFFICER P.)	(Docket No. 22)
RAFALOWSKI ET AL.,)	
)	
Defendants.)	
)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment. Plaintiff has filed an opposition. Before the court is plaintiff's request for the court to order depositions to be taken on defendants. Plaintiff further requests that defendants provide all materials necessary for an oral deposition.

The district court has broad discretionary powers to control discovery. See Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988). Upon a showing of good cause, the court may deny or limit the manner, method or means of discovery where justice so requires. See Fed. R. Civ. P. 26(c). Although plaintiff is entitled to engage in discovery, this court is aware of no authority which supports the proposition that at this point in the proceedings defendants should be compelled to pay for the costs of oral depositions initiated by plaintiff which he cannot afford.

1 Accordingly, the Court DENIES plaintiff's request to conduct oral depositions at defendants'
2 expense.

3 However, the court finds that plaintiff's right to discovery can be accommodated.
4 Because plaintiff's request does not involve non-parties, he may instead serve interrogatories
5 upon defendants pursuant to Federal Rules of Civil Procedure 33.

6 IT IS SO ORDERED.

7 DATED: 10/13/09


RONALD M. WHYTE
United States District Judge

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