

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02593-CMA-MEH

PETER P. MAUHLIN,

Plaintiff,

v.

BIER, Correctional Supervisor,
A. OSAGE, Physicians Assistant,
DALGLEISH, EMT,
BARRY, Correctional Supervisor,
HAM, Correctional Officer,
JOHN DOE 1, Correctional Officer,
JOHN DOE 2, Medical Officer,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on June 5, 2009.

Defendants' Motion for Order Permitting Deposition of Federal Bureau of Prisons Inmate Mauchlin [[filed June 4, 2009; docket #154](#)] is **granted**. Although Defendants represent to the Court that Plaintiff opposes the relief requested, the Court reminds Plaintiff that it could seem "unfair and abusive for a plaintiff to file a lawsuit and then refuse to make himself available for reasonable questioning regarding his claims." *Ashby v. McKenna*, 331 F.3d 1148, 1150 (10th Cir. 2003). Fed. R. Civ. P. 30(a)(2)(b) requires a party to obtain leave of court to depose a person confined in prison. As Plaintiff is confined to the custody of the Federal Bureau of Prisons' ADX facility in Florence, Colorado, Defendants properly seek permission from the Court to conduct Plaintiff's deposition. Accordingly, the Court grants Defendants' Motion and permits Defendants to depose Plaintiff at the ADX facility.