

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 08-cv-00411-PAB-BNB

JAMES SCOTT DALY,

Plaintiff,

v.

R. WILEY, Warden,
BAUER, Captain, Health Services Administrator, and
S. NAFZIGER, M.D., Clinical Director,

Defendants.

ORDER

This matter is before me on **Defendants' Motion for Leave to Depose Plaintiff James Scott Daly** [Doc. #44, filed 02/20/2009] (the "Motion"). The Motion is GRANTED to the extent the defendants seek leave to depose the plaintiff on March 19, 2009 (or as soon thereafter as possible) and DENIED in all other respects.

The plaintiff is currently incarcerated at the United States Prison, Administrative Maximum in Florence, Colorado ("ADX"). The defendants seek leave of Court to take the plaintiff's deposition on March 19, 2009, or as soon thereafter as possible. See Fed. R. Civ. P. 30(a)(2) (requiring that "[a] party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2) . . . if the deponent is confined in prison").

IT IS ORDERED that the Motion is GRANTED to the extent the defendants seek leave to depose the plaintiff on March 19, 2009, or as soon thereafter as possible.

IT IS FURTHER ORDERED that the plaintiff shall make himself available to the defendants for up to seven hours on any weekday between March 19, 2009, and March 25, 2009, for the purpose of having his deposition taken.

IT IS FURTHER ORDERED that the Motion is DENIED in all other respects.

Dated February 24, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge