

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01695-DME-MEH

PEDRO NIVAL,

Plaintiff,

v.

DR. JERE SUTTON, CCCF HMO Provider,  
JUDY BREZENDINE, CCCF Clinical Services Director,  
LYNN THOMPSON, CCCF Nurse Practitioner,  
JANE DOE #1 (SANDY), JANE DOE #2 (MARY), and JANE DOE #3 (CHRISTIE), NURSING  
STAFF, all in their official and individual capacities,

Defendants.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on May 16, 2012.**

Defendants' Joint Motion to Allow Deposition of Plaintiff Pedro Nival Pursuant to Fed. R. Civ. P. 30(a)(2) [[filed May 14, 2012; docket #66](#)] is **granted**. D.C. Colo. LCivR 7.1A does not require counsel to confer with a *pro se* prisoner, and thus, Defendants are unable to represent Plaintiff's position on the relief requested. However, the Court notes 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 Colorado Department of Corrections' Crowley County Correctional Facility in Olney Springs, 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 Crowley County Correctional Facility.