

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-00383-WYD-NYW

THERON JOHNNY MAXTON, #85599-071,

Plaintiff,

v.

UNITED STATES OF AMERICA,
BOP DIRECTOR, Washington, D.C.,
T.K. COZZA-RHODES, Warden F.C.I.,
CHARLES DANIEL, Warden F.C.I.,
S. COLLINS, Health Service, U.S.P., and
LT. ANTHONY, U.S.P., Florence,

Defendants.

ORDER

Magistrate Judge Nina Y. Wang

This civil action comes before the court on Defendants' Motion for Leave to Depose Plaintiff Who is Incarcerated (the "Motion"). [#186, filed Mar. 30, 2016]. Pursuant to 28 U.S.C. § 636(b)(1), the Order of Reference dated April 6, 2014 [#14], the Reassignment dated February 18, 2015 [#137], and the Memorandum dated March 31, 2016 [#188], the Motion is before the undersigned Magistrate Judge.

Fed. R. Civ. P. 30(a)(2)(B) provides that a party must obtain leave of court to depose an individual who is confined in prison. *See also Ashby v. McKenna*, 331 F.3d 1148, 1151 (10th Cir. 2003) (Rule 30(a) "requires a court order when defendants seek to depose a prisoner plaintiff.").

Defendants request that the court enter an order permitting them to depose Plaintiff Theron Johnny Maxton, who is proceeding *pro se* and is incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania. Defendants represent that the deposition will occur on or before April 11, 2016 and will last less than seven hours. Defendants further represent that the deposition will be conducted via video-teleconference.

Finding good cause for the requested deposition of Plaintiff Theron Johnny Maxton, the court hereby **GRANTS** Defendants' Motion for Leave to Depose Plaintiff Who is Incarcerated [#186]. Defendants are granted leave to depose Mr. Maxton via video teleconference on or before April 11, 2016.

DATED: April 1, 2016

BY THE COURT:

s/ Nina Y. Wang
United States Magistrate Judge