

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00242-KLM

AARON SCARBOROUGH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Second Motion for Leave to Depose Inmates, and Motion to Compel Appearance** [#36];¹ on Defendant's **Motion to Reopen Discovery and Extend the Dispositive Motion Deadline** [#37]; on Defendant's **Motion to Withdraw Motion for Leave to Depose Inmates and Motion to Compel Appearance** [Doc. #36] [#38]; on Defendant's **Motion to Withdraw Motion to Reopen Discovery and Extend the Dispositive Motion Deadline** [Doc. #37] [#39]; on Defendant's **Motion for Leave to Depose Inmate** [#40]; and on Defendant's **Motion to Reopen Discovery and Extend the Dispositive Motion Deadline** [#41].

IT IS HEREBY **ORDERED** that Defendant's Motion to Withdraw Motion for Leave to Depose Inmates and Motion to Compel Appearance [Doc. #36] [#38] and Defendant's

¹ "[#36]" is an example of the convention the Court uses to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). This convention is used throughout this Order.

Motion to Withdraw Motion to Reopen Discovery and Extend the Dispositive Motion Deadline [Doc. #37] [#39] are **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that Defendant's Second Motion for Leave to Depose Inmates, and Motion to Compel Appearance [#36] and Defendant's Motion to Reopen Discovery and Extend the Dispositive Motion Deadline [#37] are deemed **WITHDRAWN**.

IT IS FURTHER **ORDERED** that Defendant's Motion to Reopen Discovery and Extend the Dispositive Motion Deadline [#41] is **GRANTED**. Discovery is **reopened** and the discovery deadline is extended to **March 24, 2016**, for the sole purpose of deposing Plaintiff. The dispositive motions deadline is extended to **May 2, 2016**.

Finally, in Defendant's Motion for Leave to Depose Inmate [#40], Defendant seeks an Order allowing it to conduct the deposition of Plaintiff, an incarcerated individual. Pursuant to Fed. R. Civ. P. 30(a)(2)(B), "[a] party must obtain leave of court . . . if the deponent is confined in prison." Plaintiff Aaron Scarborough, #94024-020, is presently incarcerated by the Federal Bureau of Prisons. Accordingly,

IT IS HEREBY **ORDERED** that the Motion for Leave to Depose Inmate [#40] is **GRANTED**.

IT IS FURTHER **ORDERED** that Defendant may take the deposition of Plaintiff Aaron Scarborough with regard to this litigation.

IT IS FURTHER **ORDERED** that the deposition shall take place by video teleconference with Defendant's counsel Jacob Licht-Steenfat located at the United States Penitentiary in Florence, Colorado, and Plaintiff Aaron Scarborough located at the United States Penitentiary in Lewisburg, Pennsylvania.

IT IS FURTHER **ORDERED** that the deposition shall occur on March 24, 2016, or other date to be determined in advance when Plaintiff is available to attend, pursuant to written notice.

Dated: March 15, 2016

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix
United States Magistrate Judge