

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARVIN E. OWENS, :
 :
 Plaintiff, :
 :
 v. : CASE NO. 3:17cv657(RNC)
 :
 CAPTAIN FITZGERALD, :
 :
 Defendant. :

RULING ON PLAINTIFF'S MOTION TO COMPEL

The plaintiff, Marvin Owens, who is self-represented, brings this action pursuant to 42 U.S.C. § 1983 against the defendant, Captain Brian Fitzgerald, alleging that he seized the plaintiff's motorcycle without probable cause. The plaintiff also alleges a state law defamation claim. Pending before the court is the plaintiff's motion to compel (doc. #74). The defendant filed a response (doc. #76) and the plaintiff filed an "opposition and response" (doc. #78). The motion is denied.

The plaintiff requests a "court[] order" for the defendant to "comply with plaintiff's request for defendant's oral examination" which "was requested of the defendant on date October 2, 2018 in where the defendant has not." (Doc. #74 at 1.) The defendant responds that he is "unable to determine what the plaintiff is requesting." (Doc. #76.) In reply, the plaintiff clarifies that he "is requesting defendant Brian Fitzgerald undertake a recorded oral examination under oath." (Doc. #78.)

It appears that the plaintiff seeks to depose¹ the defendant. A court order is not required to notice a deposition. The parties shall meet and confer regarding the defendant's deposition.

SO ORDERED at Hartford, Connecticut this 26th day of June, 2019.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge

¹A deposition is a means by which a party may obtain information to prepare for trial by questioning a witness who is under oath. The deposition is recorded by a court reporter or stenographer and customarily occurs in a conference room. The plaintiff is directed to Rule 30 of the Federal Rules of Civil Procedure which governs depositions. If the plaintiff wants to depose the defendant, he should begin by contacting defendant's counsel to arrange a time and place for the deposition. The plaintiff must give the defendant's attorney a written notice of the deposition, which includes the date, time and place of the deposition, the deponent's name, and the method for recording the testimony, i.e., audio, audio-visual, or stenographic. Rule 30(b)(1). The plaintiff also must make arrangements for a court reporter or stenographer, the costs of which he must bear. Rule 30(b)(3). The costs of deposition are not covered by the in forma pauperis statute.