

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

HERBERT JOHNSON,

Plaintiff,

v.

Case No: 6:18-cv-608-JA-LHP

EAST COAST WAFFLES,

Defendant

ORDER

(And Direction to Clerk of Court)

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: UNOPPOSED MOTION FOR LEAVE TO DEPOSE
INCARCERATED NON-PARTY WITNESS AL-JALIL
BYRD (Doc. No. 101)**

FILED: April 19, 2023

THEREON it is ORDERED that the motion is GRANTED.

Defendant seeks leave of Court for the parties to conduct the deposition of a non-party witness who is incarcerated, Al-Jalil Byrd. Doc. No. 101. Plaintiff does not oppose. *Id.* at 3. Upon consideration, the Court finds the request well taken.

See Fed. R. Civ. P. 30(A)(2)(B). See also *Aviation Concepts, Inc. v. Starr Indem. & Liab. Co.*, No. 19-60513-CIV, 2019 WL 7708456, at *1 (S.D. Fla. Nov. 27, 2019) (“The Court . . . should permit the deposition of an incarcerated individual unless an objecting party can show why the deposition is impermissible under [Fed. R. Civ. P. 26(b)(1),(2)].”).

Accordingly, the Motion (Doc. No. 101) is **GRANTED**, and the parties may take the deposition of Al-Jalil Byrd at a date and time agreed to by the parties. Counsel shall coordinate the deposition with the officials at Al-Jalil Byrd’s place of incarceration.

Although Defendant’s Motion (Doc. No. 101) was docketed as *ex parte*, there is no apparent reason for the *ex parte* designation. Accordingly, the Clerk of Court is **DIRECTED** to remove the *ex parte* designation from the Motion (Doc. No. 101) and this Order, and to ensure that this Order is sent to counsel of record.

DONE and ORDERED in Orlando, Florida on April 24, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties