

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

COREY LEWIS COLEMAN,)
)
Plaintiff,)
)
v.) CV 316-095
)
WILLIAM DANFORTH, Warden, Telfair)
State Prison; SAM ZANDERS, Deputy)
Warden, Telfair State Prison; LT. RODNEY)
MCCLOUD, Unit Manager, Telfair State)
Prison; LIEUTENANT WILCOX, Telfair)
State Prison; SERGEANT JORDAN, Telfair)
State Prison; SERGEANT TAYLOR, Telfair)
State Prison; OFFICER BELL, Cert. Officer,)
Telfair State Prison; JOHN DOE, Cert.)
Officer, Telfair State Prison, JANE DOE,)
Nurse, Telfair State Prison; and DR.)
CHANEY, Telfair State Prison,)
)
Defendants.)

ORDER

Before the Court are Plaintiff's motions requesting oral deposition order and for a protective order preventing Defendants from taking his deposition. (Doc. nos. 97, 98). According to Defendants, Plaintiff's deposition took place as noticed on July 13, 2017. (See doc. no. 99, p. 2.) Therefore, the Court **DENIES AS MOOT** Plaintiff's motion for a protective order. (Doc. no. 98.)

Turning to Plaintiff's motion requesting an oral deposition order, under Federal Rule of Civil Procedure 30(a), "[a] party may, by oral questions, depose any person, including a

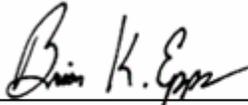
party, without leave of court” Fed. R. Civ. P. 30(a)(1). The second half of Rule 30(a) lays out four exceptions to the general rule:

- (2) ***With Leave.*** A party must obtain leave of court [to take a deposition]:
- (A) if the parties have not stipulated to the deposition and:
 - (i) the deposition would result in more than 10 depositions being taken. . . ;
 - (ii) the deponent has already been deposed in the case; or
 - (iii) the party seeks to take the deposition before the time specified in Rule 26(d), unless the party certifies in the notice, with supporting facts, that the deponent is expected to leave the United States and be unavailable for examination in this country after that time; or
 - (B) if the deponent is confined in prison.

Id. at (a)(2).

Because none of the exceptions found in Rule 30(a)(2) are applicable in this case, Plaintiff may notice and depose witnesses without an order from the Court. Accordingly, the Court **DENIES AS MOOT** Plaintiff’s motion requesting oral deposition order. (Doc. no. 97.) If Plaintiff wishes to use depositions as a discovery method, he must make his own arrangements to have an officer under Fed. R. Civ. P. 28 present and confer with Defendants and, if applicable, third-party witnesses for a time and place agreeable to take any deposition.

SO ORDERED this 17th day of July, 2017, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA