

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TREISTON MICHAEL PIERRON

CIVIL ACTION

VERSUS

NUMBER: 16-01746

L.P.D.C., ET AL.

SECTION: "H"(5)

ORDER AND REASONS

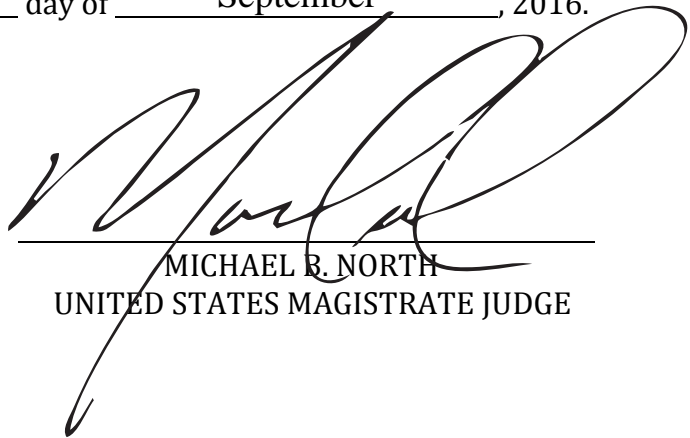
Presently before the Court is an undenominated filing from Plaintiff which was docketed as a motion to compel discovery. (Rec. doc. 28). In that filing, Plaintiff first asks that the Court subpoena certain video footage from the correctional facility where he was previously housed. Inasmuch as no hearing or trial dates have been scheduled in this matter, Plaintiff's request is denied as premature. *Schildkraut v. Bally's Casino New Orleans, L.L.C.*, No. 04-CV-0366, 2004 WL 1558796 at *1 (E.D. La. July 9, 2004). Otherwise, Plaintiff is not precluded from availing himself of the applicable provisions of the Federal Rules of Civil Procedure relative to the production of documents and things.

Next, Plaintiff questions whether the Defendants deny or agree with certain allegations that are set forth in his complaint. Once again, Plaintiff is not precluded from availing himself of the provision of the Federal Rules relative to requests for admissions in an attempt to have his various queries addressed and answered.

Finally, Plaintiff requests that a hearing be scheduled regarding the order of depositions of three inmate witnesses that he apparently desires to take. Under Rule 30(a)(2)(B), Fed. R. Civ. P., a party must obtain leave of court prior to taking the deposition of a deponent who is confined in prison. As Plaintiff does not provide the Court with the present locations and intended testimony of the three inmates that he identifies, leave to

depose them is denied at this time. *See Jones v. Johnson*, No. 09-CV-3666, 2010 WL 3923163 at *3 (E.D. La. Sept. 27, 2010)(leave denied where, *inter alia*, no showing is made that the testimony of the potential deponents was relevant). Given that Plaintiff would be responsible for the costs associated with the depositions that he contemplates, *Pedraza v. Jones*, 71 F.3d 194, 196 (5th Cir. 1995), he may wish to consider using less costly discovery devices such as depositions by written questions but only after first obtaining leave of Court as required by Rule 31(a)(2)(B).

New Orleans, Louisiana, this 16th day of September, 2016.



A handwritten signature in black ink, appearing to read 'Michael B. North', is written over a horizontal line. Below the line, the name and title are printed in a serif font.

MICHAEL B. NORTH
UNITED STATES MAGISTRATE JUDGE