

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDELL BINION,

Plaintiff,

Case No. 07-13443

vs.

David M. Lawson
United States District Judge

ALEX GLOVER, SHERRY BURT,
JOHN OCWIEJA, PATRICIA
CARUSO, DR. MIDDLEBROOK,
KIDNEY REPLACEMENT SERVICES,

Michael Hluchaniuk
United States Magistrate Judge

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION
FOR MICHIGAN DEPARTMENT OF CORRECTIONS
TO PRODUCE PLAINTIFF FOR HIS DEPOSITION (Dkt. 46)**

This matter is before the Court on defendants' motion for Michigan Department of Corrections (MDOC) to produce plaintiff for deposition, filed on September 14, 2008. (Dkt. 46). Defendants' motion is consistent with Federal Rule of Civil Procedure 30(a)(2), which requires leave of court to take the deposition of an incarcerated individual and which should be permitted when consistent with the principles outlined in Rule 26(b)(2).

Having considered the motion, it is hereby **GRANTED**. The MDOC is ordered to produce plaintiff for his deposition. The deposition of plaintiff must take place at a date and time as agreed on by the parties and the correctional facility, pursuant to notice, either in-person or by telephone, on or before the close of discovery.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), objections must be served on this Magistrate Judge.

Date: September 23, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Michael R. Dean and Lawrence T. Garcia, and I hereby certify that I have mailed by United States Postal Service the foregoing pleading to the plaintiff, a non-ECF participant, at the following address: Randell Binion, # 191925, Mound Correctional Facility, 17601 Mound Road, Detroit, MI 48212.

s/James P. Peltier
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