

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARNOLD HENRY,

Plaintiff,

v.

K. MIHM, *et al.*,

Defendants.

Case No. 22-12830

Honorable Robert J. White

Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING DEFENDANTS' MOTION TO TAKE PRISONER
DEPOSITIONS (ECF NO. 72)**

Plaintiff Arnold Henry brings this action under 42 U.S.C. § 1983 alleging that K. Mihm, Daniel Schaffer, and a John Doe correction officer violated his rights under the Eighth and Fourteenth Amendments. ECF No. 1. The Honorable Robert J. White referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 70. Defendants move for leave to depose Henry and prisoner Emilio Gallardo under Federal Rule of Civil Procedure 30(a)(2)(B). ECF No. 72.

Under Rule 30(a)(2), a party must obtain leave of the court to depose a person who is confined in prison, and the court must grant such leave when it is consistent with the scope and limits of discovery set forth in Rule

26(b)(2). The requirements of Rule 30(a)(2) are satisfied. Henry is currently incarcerated at the Earnest C. Brooks Correctional Facility. Gallardo has been identified by Henry as a witness. ECF No. 72-1, PageID.429. Gallardo is currently incarcerated at the Carson City Correctional Facility. Defendants request to depose Henry and Gallardo aligns with Rule 26(b). Defendants motion for leave to depose Henry and Gallardo is **GRANTED**, and defendants may depose them by video conference, in person, or by telephone.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: September 26, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 26, 2024.

s/Julie Owens
JULIE OWENS
Case Manager