

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARDELL HAIRSTON,

Plaintiff,

v.

MILHOUSE, *et al.*,

Defendants.

Case No. 23-12434

Honorable Sean F. Cox

Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING DEFENDANTS' MOTION TO TAKE DEPOSITION
(ECF NO. 25)**

Plaintiff Ardell Hairston, a prisoner under the Michigan Department of Corrections' (MDOC) jurisdiction, filed this pro se civil rights action under 42 U.S.C. § 1983, alleging that employees of the Wayne County Sheriff's Department violated his rights by performing an invasive body cavity search. ECF No. 1. The Honorable Sean F. Cox referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 10. Defendants now move for leave to depose Hairston under Federal Rule of Civil Procedure 30(a)(2). ECF No. 25.

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. Hairston is currently incarcerated at the Gus Harrison Correctional Facility, and defendants' request to depose him is consistent with Rule 26(b).

Defendants' motion for leave to depose Hairston (ECF No. 25) is

GRANTED.

IT IS ORDERED.

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

Dated: August 30, 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 August 30, 2024.

s/Julie Owens
JULIE OWENS
Case Manager