

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD BRENT KILBOURN,

Plaintiff,

v.

HEIDI E. WASHINGTON, *et al.*,

Defendants.

Case No. 23-13008

Honorable F. Kay Behm

Magistrate Judge Elizabeth A. Stafford

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**ORDER GRANTING DEFENDANTS' MOTION TO TAKE DEPOSITION  
[ECF NO. 26]**

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Plaintiff Richard Brent Kilbourn, a prisoner proceeding pro se and in forma pauperis, sues Michigan Department of Corrections (MDOC) employees under 42 U.S.C. § 1983. ECF No. 1. The Honorable F. Kay Behm referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 12. The MDOC defendants now move for leave to depose Kilbourn under Federal Rule of Civil Procedure 30(a)(2). ECF No. 26.

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. Kilbourn is

currently incarcerated at the G. Robert Cotton Correctional Facility, and defendants' request to depose him is consistent with Rule 26(b).

Defendants' motion for leave to depose Kilbourn (ECF No. 26) is

**GRANTED.**

**IT IS ORDERED.**

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

Dated: August 28, 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 28, 2024.

s/Julie Owens  
JULIE OWENS  
Case Manager