

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

PAUL D. FREEMAN,

Plaintiff,

v.

FRANKIE ADAMS, *et al.*,

Defendants.

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Case No. 1:12CV86 SNLJ

MEMORANDUM AND ORDER

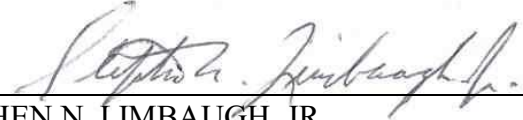
Plaintiff brings this 42 U.S.C. §1983 action against Sikeston Police Officer Franklin “Frankie” Adams, and the City of Sikeston for slander and various constitutional violations. Currently before the Court is plaintiff’s Motion to Take Deposition of Prisoner by Written Questions (#63). Plaintiff seeks to depose Tony Coray, a/k/a Tony Burgess, who is confined in the Missouri Department of Corrections. Plaintiff seeks to depose Coray by written questions. Defendants responded in opposition on April 25, 2013. Plaintiff has not replied, and the time for doing so has passed.

The Motion will be denied. As defendants point out, plaintiff failed to submit with his motion the written questions he intends to submit to the deponent, which is required by Federal Rule of Civil Procedure 31(a)(3). Plaintiff also failed to demonstrate that he has the ability or willingness to arrange for a court reporter to appear and conduct the deposition, as required by Rules 30 and 31. Finally, plaintiff waited until the final day of discovery, March 13, 2013. As discovery is now closed, and because plaintiff failed to appropriate request deposition by written questions pursuant to the Federal Rules of Civil Procedure, plaintiff’s motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion to Take Deposition of Prisoner by Written Questions (#63) is DENIED.

Dated this 13th day of May, 2013.

A handwritten signature in cursive script, reading "Stephen N. Limbaugh, Jr.", written in dark ink.

STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE

A handwritten signature in cursive script, reading "Stephen N. Limbaugh, Jr.", written in dark ink.