

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK RONALD RUSSELL,)
)
 Plaintiff,)
)
 v.)
)
 ROBERT HOUSTON, DENNIS)
 BAKEWELL, MELVIN ROUF,)
 CURTIS MOFFAT, MICHAEL)
 EDISON, and MARK DANNER,)
)
 Defendants.)

4:09CV3249

MEMORANDUM AND ORDER

This matter is before the court on the Defendants' Motion for Leave to Depose, (filing no. [44](#)). In their Motion, Defendants seek to depose Plaintiff, Patrick Ronald Russell, and a witness, Thomas Nesbitt, inmates in the custody of the Nebraska Department of Correctional Services.

[Federal Rule of Civil Procedure Rule 30\(a\)\(2\)\(B\)](#) states that a party must obtain leave of court to depose a person confined in prison. Leave shall be granted to the extent consistent with the principles stated in Rule 26(b)(2). [Fed.R.Civ.P. 30\(a\)\(2\)](#). Defendants' Motion is granted, and the depositions may proceed at a time and place agreeable to the administration of the penal facilities where the inmates are housed.

IT IS THEREFORE ORDERED that Defendants' Motion for Leave to Depose (filing no. [44](#)) is granted.

DATED this 3rd day of November, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge