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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 \* \* \*

5 KEN ROBERTS,

6 Plaintiff,

7 v.

8 JAMES GREG COX, *et al.*,

9 Defendants.  
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)  
)  
) 2:09-cv-02382-PMP -VCF  
)  
)

ORDER

11 Before the court are defendants James Greg Cox, *et al*'s Motion For Leave To Depose  
12 Incarcerated Individual (Plaintiff, Ken Roberts) (#69) and Motion To Strike Plaintiff's Request for  
13 Admissions and First Request for Production of Documents (#71).

14 On August 31, 2010, plaintiff Ken Roberts, an inmate at Ely State Prison in Ely, Nevada, filed  
15 his complaint against several defendants for alleged civil rights violations. (#8).

16 **Motion To Take Deposition**

17 In the present motion (#69), the defendants ask this court to permit them to take plaintiff  
18 Roberts' deposition. Defendants assert that taking plaintiff's deposition is "the most reliable means for  
19 arriving at the truth of the matters asserted in the pleading." (#69).

20 Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), "[a] party must obtain leave of the  
21 court, and the court must grant leave to the extent consistent with Rule 26(b)(2)," if the party seeks to  
22 depose an individual who is confined in prison. Rule 26(b)(1) permits litigants to "obtain discovery  
23 regarding any nonprivileged matter that is relevant to any party's claim or defense." Fed. R. Civ. P.  
24 26(b)(1). Defendants wish to depose the plaintiff in this action. (#69). The court finds that plaintiff  
25 Roberts' deposition testimony is relevant to the allegations in the complaint. Fed. R. Civ. P. 26(b)(1).  
26 Therefore, the defendants are granted leave of the court to take the deposition of plaintiff Roberts.

1 **Motion To Strike**

2 On March 22, 2012, plaintiff Roberts filed his request for admissions (#67) and his first request  
3 for production of documents (#68). Defendants assert in the instant motion that plaintiff timely served  
4 defendants with these documents pursuant to the court's March 5, 2012, order. (#71). Defendants also  
5 state that they "will be serving timely objections/responses [to] [p]laintiff's" requests. *Id.* Defendants  
6 ask this court to strike the plaintiff's unnecessary filings. *Id.* Pursuant to Local Rule 26-8, "[u]nless  
7 otherwise ordered by the court, written discovery, including responses thereto, and deposition  
8 transcripts, shall not be filed with the court." Striking the filings does not relieve defendants of their  
9 obligations to respond to the written discovery in accordance with the Federal Rules of Civil Procedure  
10 and the Local Rules of this court.

11 Accordingly, and for good cause shown,

12 IT IS ORDERED that defendants James Greg Cox, *et al's* Motion For Leave To Depose  
13 Incarcerated Individual (Plaintiff, Ken Roberts) (#69) is GRANTED.

14 IT IS FURTHER ORDERED that defendants James Greg Cox, *et al's* Motion To Strike  
15 Plaintiff's Request for Admissions and First Request for Production of Documents (#71) is GRANTED.

16 IT IS THEREFORE ORDERED that plaintiff's Request for Admissions (#67) and First Request  
17 for Production of Documents (#68) be STRICKEN.

18 DATED this 2<sup>nd</sup> day of April, 2012.

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20  
21 **CAM FERENBACH**  
22 **UNITED STATES MAGISTRATE JUDGE**  
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