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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MIGUEL A. MARTINEZ,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 2:15-cv-00883-MMD-NJK

ORDER

(Docket No. 40)

Pending before the Court is Defendant Officer Michael Donovan’s motion for leave to take the deposition of Plaintiff Miguel A. Martinez. Docket No. 40. Defendant submits that Plaintiff is currently incarcerated and, therefore, he requires leave of court to take Plaintiff’s deposition in the instant case. *Id.* at 1-2. Defendant submits that Plaintiff’s testimony is “necessary to the preparation of the defense in this matter and the only way his testimony can be preserved for trial is by taking his deposition.” *Id.* at 2. No response was filed. *See* Docket.

Pursuant to Fed.R.Civ.P. 30(a)(2)(B), a party must seek leave to conduct a deposition if the deponent is confined in prison. Accordingly, Defendant’s motion for leave to take Plaintiff’s deposition, Docket No. 40, is hereby **GRANTED**.

IT IS SO ORDERED.

DATED: February 27, 2018.



NANCY J. KOPPE
United States Magistrate Judge