

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>GABRIEL ROSA-DIAZ,</b>	:	<b>Civil No. 1:17-CV-2215</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Rambo)</b>
	:	
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>LAUREL HARRY, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**MEMORANDUM ORDER**

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This is a *pro se* state prisoner civil rights lawsuit. One of the surviving claims in this case is an Eighth Amendment conditions of confinement claim brought by Rosa-Diaz who alleges that in March and April of 2017, while he was a state prisoner housed at the State Correctional Institution (SCI) Camp Hill, he was housed in a cell where “there were human feces inside the air conditioner and exhaust ventilations [in his new cell]; . . . the plumbing for the hot water did not work and plaintiff did not had [sic] access to hot water; . . . the exhaust air ventilation was broken and inoperative and; . . . the cell smelled of urine and feces.” (Doc. 12-1, ¶ 36.)

With the issues in this litigation framed in this fashion, on January 10, 2019 we authorized Rosa-Diaz to propound questions by a written deposition to inmate Eric Maples. (Doc. 58.) Our order provided as follows:

The plaintiff’s motion to depose Eric Maple on written questions (Doc. 57) is GRANTED. Pursuant to the prior proposal of defense counsel,

(Doc. 53), counsel for the defendants shall cause the written questions proffered by the plaintiff, (Doc. 57-1) and a copy of this order to be delivered to Eric Maple on or before **January 30, 2019**. Maple is ORDERED to provide written answers to these proffered questions under oath on or before **February 13, 2019**. Counsel for the defendants shall then ensure that this discovery material is provided to the plaintiff on or before **February 27, 2019**.

In order to confirm the completion of this process, IT IS ORDERED that the defendants will confirm the plaintiff's receipt of these answers to written deposition questions on or before **April 1, 2019**.

For their part, the defendants have also moved to depose Inmate Maple. (Doc. 61.) Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, it is hereby ORDERED that the Motion of Defendants for Permission to take the Deposition of inmate Maple is GRANTED and the Warden of the State Correctional Institution is directed to produce the witness for a deposition at a date convenient to the Warden of State Correctional Institution, all counsel and parties.

Rosa-Diaz, in turn, has filed a motion to enjoin prison officials from preventing his communication with witnesses, (Doc. 59), and a motion to reconsider appointment of counsel in order to facilitate discovery. (Doc. 62.) Because these motions are unaccompanied by briefs as required by the rules of this court, and because we believe that the steps taken to facilitate discovery have been sufficient to ensure full and fair discovery for all parties, these motions are DENIED without prejudice.

So ordered this 12<sup>th</sup> day of March 2019.

*S/Martin C. Carlson*  
Martin C. Carlson  
United States Magistrate Judge