

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Darrell L. Goss

Plaintiff,

v.

D. Jackson,

Defendant.

Case No. 2:21-cv-84-RMG

ORDER AND OPINION

Before the Court is Plaintiff's motion to depose two inmates, Nathaniel Simmons and Dashon Pitts. (Dkt. No. 80). Plaintiff's motion also included defense counsel's request to depose Plaintiff, who is also an inmate. (*Id.*) For the reasons set forth below, the motion is granted.

Plaintiff alleges Defendant, a former correctional officer, sexually assaulted and harassed Plaintiff on various occasions in April 2018 at McCormick Correctional Institution. (Dkt. No. 1 at 6-8). Plaintiff now seeks to depose Mr. Simmons, who is alleged to be an eyewitness to certain complaint allegations of sexual harassment by Defendant, and Mr. Pitts, who has made complaints against Defendant similar in nature to the allegations in this case. (Dkt. No. 80 at 1). Defendant also seeks to depose Plaintiff. (*Id.*).

Rule 30 of the Federal Rules of Civil Procedure provides that a party "must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) if the deponent is confined in prison." Fed. R. Civ. P. 30(a)(2)(B). Rule 26(b)(1) provides that "parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case[.]" Fed. R. Civ. P. 26(b)(1). For this, the court considers "the importance of the issues at stake, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving

