

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF SOUTH CAROLINA  
 FLORENCE DIVISION

James Michael Flemming, #229516, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 Sgt. Clinton Parker, III; Officer Keith )  
 Wallace; and Warden Bernard McKie, in )  
 the official and individual capacity, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Civil Action Number:  
 4:14-cv-03236-TMC-TER

**ORDER GRANTING LEAVE TO DEPOSE  
 INCARCERATED PERSONS**

This matter comes before the Court upon motion of Defendants Sgt. Clinton Parker, III, and Officer Keith Wallace. The Plaintiff, James Michael Flemming, has named witnesses—Matthew Jennings Eargle (00298691) and Elvis Autry (00326946)--who are currently in the custody of the South Carolina Department of Corrections, and the Defendants wish to depose them. However, since the witnesses are incarcerated, Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure requires leave of court for same to be taken. All parties consent to the deposition.

Therefore, Defendant’s Motion (Document # 51) is GRANTED.

IT IS ORDERED that the South Carolina Department of Corrections make inmates who are Plaintiff’s witnesses--Matthew Jennings Eargle (00298691) and Elvis Autry (00326946)--available to be deposed at a date, time and location convenient to the parties and to SCDC. All normal SCDC security procedures required for Mr. Eargle and Mr. Autry shall be used during the deposition. A copy of this order shall be served upon SCDC.

s/Thomas E. Rogers, III  
**Thomas E. Rogers**  
**United States Magistrate Judge**

Florence, South Carolina  
 January 27, 2016