

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DANNY LEE BREWER,)	
#255889)	
Plaintiff,)	
)	
v.)	NO. 3:11-0074
)	Judge Campbell/Brown
K. Buford #495)	
Defendant)	

ORDER

The Court set a hearing for Tuesday, June 21, 2011 at 10:00 a.m. regarding the defendant's pending motion to compel witness to answer questions at deposition (DE #43).

On June 9, 2011 the Defendant filed a Motion to Continue the Deposition of Duane Matheny with the Plaintiff Present Via Telephone and to Enjoin Plaintiff from Contacting Duane Matheny in any Manner other than Through Discovery Permitted by the Rules (DE #66). The defendant has advised the Court that Mr. Matheny has agreed to continue his deposition upon Mr. Brewer's transfer to West Tennessee State Prison. In light of this development, the clerk is directed to terminate defendant's motion to compel (DE #43) as moot.

Consequently, the hearing set for **June 21, 2011 at 10:00 a.m. is HEREBY CANCELED** and the Clerk is directed to send a copy of this order to the Sheriff, Rutherford County Adult Detention Center, 940 New Salem Highway, Murfreesboro, TN 37129 so that Mr. Matheny will **not** be produced for the hearing. Defendants are granted permission to continue the deposition of Mr. Matheny with Mr.

Brewer available by telephone.

The second part of the motion asking the Court to enjoin Plaintiff from contacting Mr. Matheny will be decided after the response time has run to give Mr. Brewer an opportunity to respond.

It is so **ORDERED**.

/S/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge