

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

<b>RAY STAPLES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 08-2867-STA-dkv</b>
	)	
	)	
<b>JOHN E. POTTER, Postmaster</b>	)	
<b>General of the United States Postal</b>	)	
<b>Service,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is Defendant’s Motion for Sanctions (D.E. # 14), filed on April 20, 2010. The Magistrate Judge recommended that Defendant’s Motion be granted in part and denied in part. More specifically, the Magistrate Judge recommended that Defendant’s Motion for the sanction of dismissal for Plaintiff’s failure to appear for his own deposition be denied. However, the Magistrate Judge did recommend that Plaintiff be ordered to appear for a deposition at a time and place to be designated by Defendant and that Plaintiff be ordered to pay Defendant’s reasonable expenses caused by Plaintiff’s failure to appear for his deposition. Finally, the Magistrate Judge’s Report warned Plaintiff “that any additional failure to appear for deposition and to give testimony and/or failure to comply with other discovery requests and other orders of this court will lead to dismissal of his lawsuit.” Plaintiff has filed no objections to the Magistrate Judge’s report and recommendation within the time permitted.

Having reviewed the Magistrate Judge's report and recommendation de novo, and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate Judge's report and recommendation. Defendant shall designate a time and place for Plaintiff to appear and be deposed, such deposition to occur within thirty (30) days of the entry of this Order. Defendant is further directed to file with fourteen (14) days an affidavit of its expenses associated with Plaintiff's failure to appear at his previous deposition. Plaintiff shall have an additional fourteen (14) days thereafter to file any objections to Defendant's affidavit of expenses. Therefore, the Magistrate Judge's recommendation is **ADOPTED** and Defendant's Motion for Sanctions is **GRANTED IN PART, DENIED IN PART.**

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: June 9<sup>th</sup>, 2010.