

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS MANUEL GARCES,

Plaintiff,

v.

J. PICKETT, et al.,

Defendants.

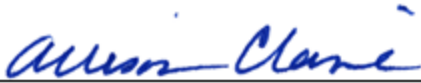
No. 2:17-cv-0319 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed a motion for leave to depose defendants by written question. ECF No. 168. With the exception of some limited aspects of discovery addressed in the parties' motions to compel, discovery in this matter closed on October 23, 2020. ECF No. 115. Plaintiff's request to depose defendants by written question is therefore untimely, and plaintiff offers no explanation for its untimeliness. Furthermore, even if plaintiff's had shown cause for his untimely request, he would be responsible for setting up the depositions, including setting the date, time, and location of the depositions, arranging for a court reporter, and paying any fees for the court reporter's services and the transcription of the depositions, see Matthews v. Puckett, 670 F. App'x 964, 965 (9th Cir. 2016) (upholding denial of request for additional copy of deposition transcript because indigent plaintiff "must bear his own discovery costs" (citing Tedder v. Odel, 890 F.2d 210, 211 (9th Cir. 1989) (per curiam))), and he has not shown that he is capable of doing so.

For all these reasons, IT IS HEREBY ORDERED that plaintiff's motion to depose defendants by written question, ECF No. 168, is DENIED.

DATED: August 6, 2021


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE