

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-00245-MSK-MJW

REVEREND MATT HALE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

UNOPPOSED MOTION FOR ORDER PERMITTING DEPOSITION OF PLAINTIFF

The Federal Bureau of Prisons (“BOP”) moves for an Order pursuant to Fed. R. Civ. P. 30(a)(2) to permit the deposition of Plaintiff Matthew Hale, who is confined at the United States Penitentiary – Administrative Maximum (“ADX”) in Florence, Colorado. Pursuant to Fed. R. Civ. P. 30(a)(2)(B), a party must obtain leave of the Court to take the deposition of a deponent confined in prison. *See* Fed. R. Civ. P. 30(a)(2)(B) (“A party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2): ... if the deponent is confined in prison.”); *see also Ashby v. McKenna*, 331 F.3d 1148, 1151 (10th Cir. 2003) (noting that Rule 30(a) “requires a court order when defendants seek to depose a prisoner plaintiff”).

The BOP proposes to depose Mr. Hale on May 18, 2017, in advance of the discovery deadline of June 2, 2017. *See* Doc. 155 at 10. Although Mr. Hale is unrepresented and conferral was not required, *see* D.C.COLO.LCivR 7.1(b)(1), undersigned counsel did consult with Mr. Hale. Mr. Hale represented that he does not object to his deposition being taken at the ADX on May 18, 2017.

WHEREFORE, the BOP respectfully requests that the Court issue an Order granting leave to take the deposition of Plaintiff Matthew Hale. A proposed order is attached.

Respectfully submitted on May 2, 2017.

ROBERT C. TROYER
Acting United States Attorney

s/ Susan Prose
Susan Prose
Assistant United States Attorney
1801 California Street, Suite 1600
Denver, Colorado 80202
Telephone: (303) 454-0100
Fax: (303) 454-0404
Email: susan.prose@usdoj.gov

Counsel for the Federal Bureau of Prisons

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on May 2, 2017, I served the foregoing document on the following non-CM/ECF participant by U.S. mail:

Matthew Hale (U.S. Mail)
Reg. No. 15177-424
ADX – Florence
P.O. Box 8500
Florence, CO 81226

s/ Susan Prose
Susan Prose
United States Attorney's Office

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-00245-MSK-MJW

REVEREND MATT HALE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ORDER PERMITTING
DEPOSITION OF PLAINTIFF**

The Court, having reviewed the Unopposed Motion for Order Permitting Deposition of Plaintiff, and finding good cause, GRANTS the motion.

Pursuant to Fed. R. Civ. P. 30(a)(2)(B), Defendant is permitted to depose Mr. Hale.

DATED this ____ day of _____, 2017.

BY THE COURT:
