

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

DERON MCCOY, JR.,

Plaintiff,

v.

TYSON MEYERS, et al.,

Defendants.

Case No. 12-3160-CM-GLR

MEMORANDUM AND ORDER

Before the Court are two motions: Motion for Leave to Depose Plaintiff Deron McCoy, an Incarcerated Individual (ECF 123) and Defendants' Motion for an Extension of Time to Depose Plaintiff and for an Extension of the Deadline to File Dispositive Motions (ECF 127). Both motions are unopposed.

By the earlier motion (ECF 123) Defendants invoke Fed. R. Civ. P. 30(a)(2)(B) and thereby seek leave to depose Plaintiff. They also ask leave for his deposition to proceed on or before February 1, 2016, which was then the discovery deadline. The Court finds that Plaintiff is confined to prison in a Kansas Penitentiary and that his deposition will be consistent with Rule 26(b)(2). Accordingly, it grants the motion for leave to depose him. It denies as moot, however, the request for his deposition to proceed on or before February 2016. A Revised Scheduling Order (ECF 135) has extended the discovery deadline to April 1, 2016. Counsel should be able to set the deposition for a date before that deadline. The Court anticipates that all counsel will cooperate to find a time that is mutually convenient for them and the parties.

For similar reasons the Court denies as moot the later motion (ECF 127). In addition to resetting the discovery deadline for April 1, the Revised Scheduling Order has also extended to May 6, 2016, the deadline for dispositive motions.

IT IS THEREFORE ORDERED BY THE COURT that the Motion for Leave to Depose Plaintiff Deron McCoy, an Incarcerated Individual (ECF 123) is granted in part and otherwise denied in part as moot and that Defendants' Motion for an Extension of Time to Depose Plaintiff and for an Extension of the Deadline to File Dispositive Motions (ECF 127) is denied as moot.

Dated February 23, 2016, at Kansas City, Kansas.

S/ Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge