

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

**ESTATE OF MATTHEW HOLMES, by
and through administrator, WENDY
COUSER, as administrator and
individually,**

Plaintiff,

v.

CHRIS SOMERS, et al.,

Defendants.

Case No. 6:18-cv-01221-JWB-GEB

ORDER

This matter is before the Court on Defendant Achilles' Motion for Leave of Court to Take Prisoner Deposition (**Doc. 184**). Defendant Achilles requests leave of the Court to take the deposition, recorded via stenographic and audiovisual means, of Kenneth Herrod, who is currently incarcerated at Larned Correctional Mental Health Facility.

Federal Rule of Civil Procedure 30(a)(2)(B) requires a party to obtain leave of court to take a deposition of individuals confined in prison. The Court in turn "must grant leave to the extent consistent with Rule 26(b)(1) and (2)." Fed. R. Civ. P. 30(a)(2). In addition, Federal Rule of Civil Procedure 30(b)(3)(A) permits depositions to be recorded via audio, audiovisual, or stenographic means "[u]nless the court orders otherwise."

The Court has inquired with counsel of record and finds that the motion is unopposed. For the reasons stated in the motion, and having found that it is unopposed, the Court finds that the motion should be granted.

IT IS THEREFORE ORDERED that Defendant Achilles' Motion for Leave of Court to Take Prisoner Deposition (**Doc. 184**) is **GRANTED**. The parties are permitted to take the deposition of Kenneth Herrod, which may be recorded via audiovisual or stenographic means.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 22nd day of September, 2021.

s/ Gwynne E. Birzer
GWYNNE E. BIRZER
United States Magistrate Judge