

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WILLIAM A. WHITE,

Plaintiff,

v.

Case No: 6:14-cv-936-JSS-EJK

DONALD ESLINGER, RONALD
SHAW, JOSEPH KLINGER, and
DENNIS LEMMA,

Defendants.

_____ /

ORDER

In this 42 U.S.C. § 1983 action, Plaintiff, a prisoner proceeding pro se, asks the court to waive Middle District of Florida Local Rule 3.04 for the depositions of David Diggs, Eric Thompson, and Defendant Donald Eslinger. (Dkt. 564.) Because Plaintiff has failed to comply with Middle District of Florida Local Rule 3.01(g), Defendants' position on the motion is unknown. The court presumes that Defendants oppose the motion. For the reasons outlined below, the court grants the motion.

The Eleventh Circuit “give[s] great deference to a district court’s interpretation of its local rules and review a district court’s application of local rules for an abuse of discretion.” *Reese v. Herbert*, 527 F.3d 1253, 1267 n.22 (11th Cir. 2008) (quotation omitted). Local Rule 3.04 provides that a “deposition by oral examination or written questions and a subpoena duces tecum require fourteen days’ written notice to the deponent or responding person.” M.D. Fla. Loc. R. 3.04. However, the Local Rules

authorize the court to “temporarily modify or suspend the application of” Local Rule 3.04 if “reasonably necessary” to “advance efficiency, consistency, convenience, and other interests of justice.” M.D. Fla. Loc. R. 1.01(a)–(b). Plaintiff represents that he has experienced mail delays, (Dkt. 564 at 2, 5–6), and the court credits this representation. The court also notes that the discovery deadline is December 14, 2024, (Dkt. 561 at 1), and Plaintiff is actively seeking discovery in this case, (Dkt. 564 at 2–3). The court thus “temporarily . . . suspend[s] the application of” Local Rule 3.04 for the specified depositions. *See* M.D. Fla. Loc. R. 1.01(b). The court also excuses the instant motion’s noncompliance with Local Rule 3.01(g).

Accordingly:

1. Plaintiff’s motion (Dkt. 564) is **GRANTED**.
2. Plaintiff need not comply with Middle District of Florida Local Rule 3.04 for the depositions of David Diggs, Eric Thompson, and Defendant Donald Eslinger.
3. However, to the extent that the Federal Rules of Civil Procedure and other Middle District of Florida Local Rules apply to these depositions, Plaintiff shall comply with the rules.

ORDERED in Orlando, Florida, on November 27, 2024.



JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Parties
Counsel of Record