

United States Court of Appeals For the First Circuit

No. 10-1389

JAMES N. THIVIERGE,

Plaintiff, Appellant,

v.

TOWN OF AMESBURY, ET AL.,

Defendants, Appellees.

Before

Lynch, Chief Judge,
Boudin and Thompson,
Circuit Judges.

ORDER OF COURT
Entered: January 10, 2011

Appellant seeks a transcript, at government expense, of a scheduling conference held two years prior to his trial. In response to this request, the district court asked appellant to explain why the transcript was needed. Appellant supplied only a copy of a brief he had filed in state court prior to his federal trial, which fails to explain the need for the requested transcript. Moreover, the short transcript requested by appellant is available for reading at the district court clerks office.

Under 28 U.S.C. § 753(f) a transcript request "shall" be granted only if the trial judge or a circuit judge certifies that the appeal is not frivolous. Having read the transcript, we fail to see how it has any bearing on the judgment being appealed in this case.

The request for a copy of the transcript at government expense is, therefore, denied.

By the Court:

/s/ Margaret Carter, Clerk.

cc:
Katherine I. Doyle
Mark R. Reich
James N. Thivierge