

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arthur Lucero,

Petitioner,

vs.

Meg Savage, et al.,

Respondents.

No. CV-05-2207-PHX-PGR

ORDER

The petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on July 26, 2005, and the Court entered its order of dismissal and its judgment of dismissal on February 14, 2006. The petitioner did not file a notice of appeal.

Pending before the Court is the petitioner’s Motion for Copies of Rulings on all Writ of Habeas Corpus, filed December 16, 2011, wherein he requests that the Court provide him with copies of its rulings concerning his habeas petition “so that the petitioner can further his appeal properly.” To the extent that the petitioner is requesting that the Court provide him with free copies of the requested documents, the Court will deny his motion because the petitioner has no constitutional right to have the Court provide with photocopies at no charge, *cf.*

1 Sands v. Lewis, 886 F.2d 1166, 1169 (9th Cir.1990) (Court noted that “numerous
2 courts have rejected any constitutional right to free and unlimited photocopying”
3 by prisoners), the fact that he was permitted to file his § 2254 petition *in forma*
4 *pauperis* does not entitle him to free copies of documents in the Court’s file, see
5 e.g., In re Richard, 914 F.2d 1526, 1527 (6th Cir.1990) (Court concluded that 28
6 U.S.C. § 1915, the *in forma pauperis* statute, “does not give the [prisoner] litigant
7 a right to have documents copied and returned to him at government expense[,]”
8 and he has not demonstrated any need for the requested copies given the
9 procedural posture of this long-closed case. If the petitioner wishes to have
10 copies of the Court’s previous rulings provided to him at his expense, he may
11 contact the Clerk of the Court to determine what the photocopying-related costs
12 would be under the District Court Miscellaneous Fee Schedule. To assist the
13 petitioner, the Court will direct the Clerk of the Court, this one time, to provide the
14 petitioner with a free copy of the docket sheet of this action.¹

15 Also pending before the Court is the petitioner’s Motion to Confirm Ruling
16 on all Writ of Habeas Corpus, filed December 16, 2011, wherein the petitioner
17 asks the Court to “confirm these rulings so that the petitioner can further his
18 appeal properly.” The Court does not understand what the petitioner is
19 requesting as there is nothing to confirm - the Court dismissed this action on
20 February 14, 2006 and that dismissal stands. If the petitioner is requesting that
21 the Court vacate and reissue its judgment so that the petitioner may now timely

22
23 1

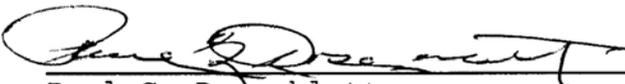
24 The petitioner is advised that the Magistrate Judge’s Report and
25 Recommendation (Doc. 5, entered on December 7, 2005) is 13 pages long, the
26 Court’s order adopting the Report and Recommendation (Doc. 6, entered on
February 14, 2006) is 2 pages long, and the Court’s judgment (Doc. 7, entered on
February 14, 2006) is 1 page long.

1 appeal it, the Court refuses to do so. Therefore,

2 IT IS ORDERED that the petitioner's Motion for Copies of Rulings on all
3 Writ of Habeas Corpus (Doc. 9) is denied except to the extent that the Clerk of
4 the Court shall mail to the petitioner at no charge a copy of the docket sheet of
5 this action.

6 IT IS FURTHER ORDERED that the petitioner's Motion to Confirm Ruling
7 on all Writ of Habeas Corpus (Doc. 10) is denied.

8 DATED this 20th day of December, 2011.

9
10 
11 Paul G. Rosenblatt
United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26