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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT GARBER,)	Case No. CV 10-07144 DDP (RNBx)
)	
Plaintiff,)	ORDER RE MOTION FOR TRANSCRIPTS
)	AT THE GOVERNMENT'S EXPENSE
v.)	
)	[DOCKET NUMBER 151]
MOHAMMADI, #36506,)	
Lead-officer for the Los)	
Angeles Police Department:)	
et al.,)	
)	
Defendant.)	
_____)	

Robert Garber, Plaintiff in this case, now appeals the Court's Judgment as a Matter of Law against him. (Dkt. Nos. 145, 148.) In order to prosecute his appeal, he has filed a motion asking that a copy of the trial transcript to be furnished him at government expense. (Dkt. No. 151.)

Mr. Garber proceeded in this action in forma pauperis ("IFP"). (Dkt. Nos. 1-2.) On September 16, 2014, the Ninth Circuit Court of Appeals referred the case back to this Court "for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or

1 taken in bad faith." (Dkt. No.150.) The Ninth Circuit's referral
2 gave the Court the option of acting to revoke Mr. Garber's IFP
3 status, which would require an explicit finding that his appeal is
4 frivolous or in bad faith, or of doing nothing, in which case Mr.
5 Garber's appeal would proceed. (Id.) The Court chose the latter
6 option.

7 Mr. Garber now seeks transcripts at government expense, to be
8 used in his appeal. This implicitly asks the Court to affirm that
9 his appeal is non-frivolous. See 28 U.S.C. § 753(f) ("Fees for
10 transcripts furnished . . . to persons permitted to appeal in forma
11 pauperis shall also be paid by the United States if the trial judge
12 or a circuit judge certifies that the appeal is not frivolous (but
13 presents a substantial question)."). Although it should be obvious
14 from its previous orders that the Court strongly disagrees with Mr.
15 Garber's position on appeal, (Dkt. Nos. 145, 147), the Court finds,
16 based on the information provided in Mr. Garber's Notice of Appeal,
17 (Dkt. No. 148), that his appeal is non-frivolous.

18 Accordingly, the Court orders that one copy of the trial
19 transcript be provided to Mr. Garber at government expense,
20 pursuant to 28 U.S.C. § 753(f).

21
22 IT IS SO ORDERED.

23
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25 Dated: November 19, 2014


26 DEAN D. PREGERSON
27 United States District Judge
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