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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EMELITO EXMUNDO,)	1:06cv00205 AWI DLB PC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION
)	FOR TRANSCRIPTS AND MOTION FOR
vs.)	EXTENSION OF TIME
)	
BELL, et al.,)	(Documents 169 and 170)
)	
Defendants.)	

Plaintiff Emelito Exmundo (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. The action was tried on August 26 and 27, 2014. The jury returned a verdict in favor of Defendants. Plaintiff filed a notice of appeal on September 12, 2014.

On October 15, 2014, Plaintiff filed a motion for transcripts along with a motion for additional time to request the transcripts. Plaintiff also requests copies of various pre-trial filings.

A litigant who has been granted in forma pauperis status may move to have transcripts produced at government expense. Two statutes must be considered whenever the district court receives a request to prepare transcripts at the government’s expense. First, 28 U.S.C. § 1915(c) defines the limited circumstances under which the Court can direct payment the government to pay for transcripts for a litigant proceeding in forma pauperis.

1 (c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and
2 the prepayment of any partial filing fee as may be required under subsection (b),
3 the court may direct payment by the United States of the expenses of (1) printing
4 the record on appeal in any civil or criminal case, if such printing is required by
5 the appellate court; (2) preparing a transcript of proceedings before a United
6 States magistrate judge in any civil or criminal case, if such transcript is required
7 by the district court, in the case of proceedings conducted under section 636(b) of
8 this title or under section 3401(b) of title 18, United States Code; and (3) printing
9 the record on appeal if such printing is required by the appellate court, in the case
10 of proceedings conducted pursuant to section 636(c) of this title. Such expenses
11 shall be paid when authorized by the Director of the Administrative Office of the
12 United States Courts.

13 28 U.S.C. § 1915(c).

14 Second, 28 U.S.C. § 753(f) allows the Court to order the government to pay for
15 transcripts only if “the trial judge or a circuit judge certifies that the suit or appeal is not frivolous
16 and that the transcript is needed to decide the issue presented by the suit or appeal.” A request
17 for a transcript at government expense should not be granted unless “the appeal presents a
18 substantial issue.” *Henderson v. United States*, 734 F.2d 483, 484 (9th Cir. 1984).

19 The Court does not find that Plaintiff’s appeal presents any substantial issues.
20 Accordingly, Plaintiff’s motion for the trial transcript at government expense is HEREBY
21 DENIED, and the Clerk’s Office shall serve a copy of this order on the United States Court of
22 Appeals for the Ninth Circuit. Plaintiff’s request for additional time to file this request is
23 DENIED AS MOOT.

24 Finally, to the extent that Plaintiff seeks copies of documents on the docket, his request is
25 DENIED. Plaintiff is advised that the Clerk does not ordinarily provide free copies of case
26 documents to parties. The Clerk charges \$.50 per page for copies of documents. See 28 U.S.C.
27 § 1914(a). Copies of up to twenty pages may be made by the Clerk’s Office at this Court upon
28 written request and prepayment of the copy fees. The fact that the Court has granted leave for
Plaintiff to proceed in forma pauperis does not entitle him to free copies of documents from the
Court. Under 28 U.S.C. § 2250, the Clerk is not required to furnish copies without cost to an
indigent petitioner except by order of the judge.

1 To request a copies of the documents at issue, Plaintiff must submit a request in writing
2 to the Clerk, a large self-addressed envelope affixed with sufficient postage, and prepayment of
3 copy costs to the Clerk.
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5 IT IS SO ORDERED.

6 Dated: October 17, 2014

7 /s/ Dennis L. Beck
8 UNITED STATES MAGISTRATE JUDGE
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