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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Willie D. Randle,

Plaintiff,

vs.

L. V. Franklin et al.,

Defendants.

No. CV 08-0845-JAT

ORDER

Pending before the Court is Plaintiff/Appellant Willie D. Randle’s Motion For Request of Transfer of Full Record on Appeal. (Dkt. 131.) Plaintiff requests the Court transfer the original record of the proceedings pursuant to Rule 24(c) of the Federal Rules of Appellate Procedure. (Dkt. 131.) Rule 24(c) provides that a party proceeding “on appeal in forma pauperis may request that the appeal be heard on the original record without reproducing any part.” Fed.R.App.P. 24(c). The Court approved Plaintiff’s application to proceed *in forma pauperis* on June 20, 2008, pursuant to 28 U.S.C. § 1915. (Dkt. 4.) On June 22, 2011, the Clerk of the District Court issued a Certificate of Record confirming that the record is currently available for transmission to the Court of Appeals, upon the direction of the Clerk of the Court of Appeals. (Dkt. 130-2.) Therefore, to the extent that Plaintiff seeks the transfer of the District Court’s record, Plaintiff’s motion is moot in light of the Certificate of Record.

1 It is unclear from Plaintiff's motion whether Plaintiff is attempting to request copies
2 of transcripts from the jury trial or other proceedings before the Court. However, pursuant
3 to Circuit Rule 10-3.1, Plaintiff, as appellant, is required to file a transcript order in the
4 District Court, using the District Court's transcript designation form, with respect to any
5 portions of the transcript that Plaintiff or Defendants require. *See* 9th Cir. R. 10-3.1(d). On
6 or before filing the transcript designation form, Plaintiff is required to make arrangements
7 with the court reporter to pay for the transcripts ordered. *Id.* at 10-3.1(e). There is no
8 evidence that Plaintiff has complied with these requirements. Plaintiff has not informed the
9 Court of the particular transcripts that Plaintiff or Defendants require for the appeal.
10 Accordingly, the Court cannot authorize the preparation of transcripts at government expense
11 at this time.


12 Finally, pursuant to the order and mandate of the Ninth Circuit Court of Appeals
13 issued July 25, 2011 dismissing Plaintiff's appeal, Plaintiff's request for production of the
14 record and/or transcripts is now moot.

15 According,

16 **IT IS HEREBY ORDERED** that to the extent that Plaintiff is requesting the original
17 trial court record be made available to the Ninth Circuit Court of Appeals, the Motion for
18 Request for Transfer of Full Record on Appeal (Dkt. 131) is **DENIED** as moot, because the
19 Clerk of the District Court has already issued the Certificate of Record (Dkt. 130-2).

20 **IT IS FURTHER ORDERED** that to the extent Plaintiff is requesting copies of
21 transcripts from the jury trial or any other court proceedings, the Motion for Request for
22 Transfer of Full Record on Appeal (Dkt. 131) is **DENIED** as moot in light of the Ninth
23 Circuit Court of Appeals order and mandate dismissing Plaintiff's appeal (Dkt. 132).

24 DATED this 25th day of July, 2011.

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James A. Teilborg
United States District Judge