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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO GIL,

Plaintiff,

v.

YATES, et al.,

Defendants.

Case No. 1:09-cv-00917 LJO-DLB PC

ORDER DENYING PLAINTIFF’S REQUEST
FOR TRANSMITTAL OF TRANSCRIPTS TO
NINTH CIRCUIT

ORDER GRANTING PLAINTIFF’S
REQUEST FOR EXCERPTS OF RECORD

(Document 109)

Plaintiff Francisco Gil (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on May 26, 2009. The action is currently on appeal to the Ninth Circuit Court of Appeals.

On February 27, 2014, Plaintiff filed request that the Court send a copy of the most of the documents filed in this action to the Ninth Circuit. However, pursuant to the Ninth Circuit Rules, Plaintiff, as a pro se litigant, is not required to file an excerpt of the record. Circuit Rule 30-1.2. Plaintiff’s motion is to transmit records to the Ninth Circuit is therefore DENIED.

In the same motion, Plaintiff requests that a copy of the transcript be sent to him. Pursuant to Circuit Rule 30-3, prisoners proceeding pro se are entitled to excerpts of record upon request to the district court and his request is therefore GRANTED. Pursuant to Circuit Rule 17-1.4, excerpts of record for this action are the docket sheet, the Findings and Recommendations regarding Defendants’ Motion for Summary Judgment (Document 92) and the Court’s Order adopting the

1 Findings and Recommendations (Document 103).

2 Accordingly, the Court HEREBY ORDERS as follows:

3 1. Insofar as Plaintiff requests that transcripts be sent to the Ninth Circuit Court of
4 Appeals, his request is DENIED;

5 2. Plaintiff's request for excerpts of record is GRANTED; and

6 3. The Clerk's Office shall provide Plaintiff with a copy of the docket and copies of the
7 following documents: Findings and Recommendations regarding Defendants' Motion for Summary
8 Judgment (Document 92) and the Court's Order adopting the Findings and Recommendation
9 (Document 103);

10 4. The Clerk's Office shall serve a courtesy copy of this order on the Ninth Circuit.

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14 IT IS SO ORDERED.

15 Dated: February 28, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE