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

EUGENE E. FORTE,
Plaintiff,
vs.
TOMMY JONES, an individual and DOES
1-100, inclusive,
Defendants.

EUGENE E. FORTE,
Plaintiff,
vs.
COUNTY OF MERCED, ET AL.,
Defendants.

1:11 – CV – 00718 AWI BAM

1:11 – CV – 00318 AWI BAM

**RESPONSE TO PLAINTIFF’S “NOTICE
OF INTENT TO REQUEST REDACTION
AND LIST OF REDACTIONS AND
CORRECTIONS TO SEPTEMBER 3,
2013 TRANSCRIPT”**

Doc. # 112

The court has received from plaintiff Eugene E. Forte (“Plaintiff”) a document titled “Notice of Intent to Request Redaction and List of Redactions and Corrections to September 3, 2013 Transcript” (hereinafter, the “Request”). Doc. # 112 in Case No. 0718. The request refers to the court’s transcript of a hearing regarding the ability of Plaintiff to continue representation of himself in both cases currently before the court and to lift the stay previously imposed in Case No. 11cv0318. Plaintiff’s Request specifies fifteen instances where Plaintiff contends his

1 statements were misreported by the court’s stenographic reporter and has supplied in each
2 instance language that he contends reflects what he actually said during the hearing. While
3 Plaintiff’s Request is labeled a request for “redactions,” it is evident from the text that what
4 Plaintiff actually is seeking is correction of transcription errors. The court therefore deems
5 Plaintiff’s Request to be a motion for correction.
6

7 As an initial matter, the court observes that requests for correction of a court transcript is
8 an area not familiar to the court. There has long been a recognition that mistakes in the
9 recording of a proceeding can occur and that courts have the ability, if not the obligation, to
10 make corrections. See Goodenough Horseshoe Mfg. Co. v. Rhode Island Horseshoe Co., 154
11 U.S. 635, 635 (1877) (“If parts of the record below are omitted in the transcript, we may by
12 certiorari have the omissions supplied, but we cannot here correct errors which actually exist in
13 the record as it stands in the state court. For that purpose, application must be made there . . .”).
14 The ability of a party to address alleged errors in a transcript of proceeding is provided by Rule
15 10 of the Federal Rules of Appellate Procedure. Pursuant to Rule 10(e)(2):

16 If anything material to either party is omitted from or misstated in the
17 record by error or accident, the omission or misstatement may be
corrected and a supplemental record may be certified and forwarded:

18 (A) on the stipulation of the parties.

19 (B) by the district court before or after the recorded has been forwarded.
20

21 While the court is uncertain as to the materiality of the corrections Plaintiff wishes to
22 make, the court does find that it has authority to make them to the extent that its review of the
23 audiotape of the proceeding supports the proposed corrections. The court has reviewed
24 Plaintiff’s Request, and hereby authorizes the following corrections as requested by Plaintiff:

25 //

26 //

27 //

28

AUTHORIZED TRANSCRIPT CORRECTIONS

Req. #	Pg./Ln.	FROM:	TO:
1	Title Line	“Motion to Life Stay of Proceedings”	Motion to <u>Lift</u> Stay of Proceedings
2	7:16	“This is evident .”	This is <u>evidence</u> .
3	8:23-24	“This mystery evaluation”	This <u>mental</u> evaluation.
4	9:19-20	“what’s been brought outside my papers that I filed here”	NO CHANGE AUTHORIZED
5	10:24-25	“He thinks he should be	He thinks <u>I</u> should be
6	15:4	“they see trials with Judge Terrence Duncan”	NO CHANGE AUTHORIZED
7	16:8-9	“What of the defendants in Merced County do at this hearing?”	What <u>are</u> the defendants in Merced County <u>doing</u> at this hearing?
8	17:13-14	It’s a rights of comment, no, maybe.”	<u>Derisive</u> comment, no, maybe.
9	17:15-17	“And anything before you say that, as a derisive comment or labeling, that’s actually called a prior restriction of speech.”	NO CHANGE AUTHORIZED
10	18:1-2	“I received judgment against the person that gave me the _____.”	I received judgment against the person who <u>gave me death threats</u> .
11	19:18	“and you’re laying these guys”	and you’re <u>letting</u> these guys
12	20:20-21	“a letter against all inside of the documentations that’s been filed”	<u>a letter, again</u> , all inside of the documentations that’s been filed
13	37:18-20	“ did go ahead and grant the order saying . . .”	<u>didn’t go ahead</u> and grant the order saying . . .”
14	38:8-9	“What evidence would you need to have more than a bogus mental evaluation spurred by declarations . . .”	What evidence would you need to have more than a bogus mental evaluation, <u>supported by declarations</u> . . .”
15	40:5	“But from Weis’ attorney”	But from <u>Licensed attorneys</u>

The court hereby ORDERS that the foregoing authorized corrections be made to the transcript of hearing held on September 3, 2013, in cases 11cv0718 and 11cv0318 and that the

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corrected transcripts be provided to the parties. To the extent Plaintiff may seek correction of those portions of the transcript where changes were not authorized, he may seek to reach a stipulated agreement with the opposing parties or may submit further evidence supporting a motion to make further corrections.

IT IS SO ORDERED.

Dated: October 23, 2013



SENIOR DISTRICT JUDGE