

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DANIEL MASTERSON,	)	No. 1:11-cv-01179-DAD-SAB (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S REQUEST
	)	FOR A COPY OF TRANSCRIPT OF
v.	)	EVIDENTIARY HEARING
	)	
S. KILLEN, et al.,	)	(ECF No. 154)
	)	
Defendants.	)	
	)	
	)	

Plaintiff Daniel Masterson is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

On May 17, 2017, Plaintiff filed a request for a copy of the transcript of the evidentiary hearing held on February 15, 2017. (ECF No. 154.) Plaintiff states that he received a notice of lodging of the transcript of the evidentiary hearing by defense counsel, but not a copy of the transcript. Plaintiff further states that if the transcripts were transcribed by someone other than the court reporter, then he intends to file a motion to strike the transcripts. Plaintiff requests that the Court order Defendants to produce a full copy of the transcripts to Plaintiff, or order the Clerk of the Court to provide him a copy.

A defendant is not required to provide plaintiff with a free copy of a deposition transcript. See Whittenberg v. Roll, No. CIV S–04–2313 FCD JFM P, 2006 WL 657381 at \*5 (E.D. Cal. Mar. 15, 2006) (denying plaintiff’s motion to compel defendant to provide him with a copy of his deposition

1 transcript free of charge). Although granted leave to proceed in forma pauperis, ““the expenditure of  
2 public funds [on behalf of an indigent litigant] is proper only when authorized by Congress.” Tedder  
3 v. Odel, 890 F.2d 210, 211 (9th Cir. 1989) (quoting United States v. MacCollom, 426 U.S. 317, 321,  
4 96 S. Ct. 2086 (1976). The expenditure of public funds for deposition transcripts is not authorized by  
5 the in forma pauperis statute or any other statute. See 28 U.S.C. § 1915.

6 The transcripts in this case were prepared by one of the Court’s official court reporters, and  
7 ordered by Defendants via a transcript request form. The Court will not require Defendants to provide  
8 Plaintiff a free copy of the hearing transcript, nor is there any authority for the expenditure of public  
9 funds to provide a free copy of the hearing transcript to Plaintiff. Plaintiff may order a transcript by  
10 making a request to the court reporter, Jennifer Coulthard, phone number (312) 617-9858, email  
11 jenmrcrr2@gmail.com, or by filing a Transcript Order request form. The reporter’s fees will apply.

12 Accordingly, Plaintiff’s request for a copy of the transcript of the evidentiary hearing, filed  
13 May 17, 2017 (ECF No. 154), is HEREBY DENIED.

14  
15 IT IS SO ORDERED.

16 Dated: May 18, 2017

  
UNITED STATES MAGISTRATE JUDGE