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

BRYAN E. RANSOM,

Plaintiff,

v.

AGUIRRE, et al.,

Defendants.

Case No. 1:12-cv-01343 DAD DLB PC

ORDER REGARDING PLAINTIFF'S  
MOTION FOR TRANSCRIPTS

(Document 120)

Plaintiff Bryan E. Ransom ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action. Defendants paid the filing fee to remove this action from state court and Plaintiff is therefore not proceeding in forma pauperis.

On December 16, 2015, the Court held an evidentiary hearing on the issue of exhaustion.

Plaintiff filed a motion for transcripts of certain portions of the hearing on January 19, 2016. Plaintiff seeks the parties' opening and closing statements, as well as his own testimony and the testimony of Defendants' witnesses.

Plaintiff does not indicate that he is seeking production of the transcripts at government expense. Indeed, Plaintiff is not proceeding in forma pauperis in this action, and therefore would not qualify for transcripts under 28 U.S.C. § 1915(c).

Section 753(f), available to persons permitted to appeal in forma pauperis, allows the Court to order the government to pay for transcripts only if "the trial judge or a circuit judge certifies that

1 the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by  
2 the suit or appeal.” 28 U.S.C. § 753(f). While Plaintiff may be ultimately permitted to appeal in  
3 forma pauperis, this action is not yet at the appeal stage.

4 Therefore, Plaintiff’s request for transcripts is DENIED. The Clerk of Court is ORDERED  
5 to send Plaintiff the Transcript Instructions and Ordering Form in the event Plaintiff wishes to pay  
6 for the requested transcript.

7  
8 IT IS SO ORDERED.

9 Dated: January 21, 2016

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE