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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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9 STEVEN VLASICH,

10 Plaintiff,

11 v.

12 DR. C. NAREDDY and DR. O.  
BEREGOVSKAYA,

13 DEFENDANTS.  
14

1:13-cv-00326-LJO-EPG (PC)

MEMORANDUM DECISION AND ORDER  
DENYING REQUEST FOR TRANSCRIPTS

(ECF NO. 144)

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16 Plaintiff Steven Vlasich, a state prisoner proceeding *pro se* and *in forma pauperis*, alleged  
17 in this case that Defendants Dr. Nareddy and Dr. Beregovskaya (collectively “Defendants”) were  
18 deliberately indifferent to his medical needs in violation of the Eighth Amendment and 42 U.S.C.  
19 § 1983. After a jury trial on February 27 and 28, 2019, ECF Nos. 133 & 134, the jury quickly  
20 returned a special verdict indicating that Plaintiff did not have a serious medical need. ECF No.  
21 135. On April 1, 2019, Plaintiff filed a Notice of Appeal. ECF No. 139. On April 29, 2019,  
22 Plaintiff filed a motion for preparation of transcript at government’s expense. ECF No. 144.

23 Plaintiff asks the Court to order transcripts of the trial at the government’s expense. He  
24 plans to use the transcripts to support an appeal. According to Plaintiff, the transcripts will “expose  
25 the overwhelming evidence of a serious medical condition, while at the same time showing a  
26 lack of any evidence that Plaintiff did not have a serious medical condition, thus proving the  
27 jury’s verdict was against the evidence.” ECF No. 144.  
28

1 Pursuant to 28 U.S.C. § 753(f), “[f]ees for transcripts furnished in [civil] proceedings to  
2 persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial  
3 judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial  
4 question).” A substantial question exists where the issue before the court of appeals is  
5 reasonably debatable.” *Tuggles v. City of Antioch*, C08–01914JCS, 2010 WL 3955784 (N.D.  
6 Cal. Oct. 8, 2010) (internal citations and quotations omitted); *see also Randle v. Franklin*, No.  
7 CV-08-00845-JAT, 2012 WL 201757, at \*2 (E.D. Cal. Jan. 23, 2012).

8 Plaintiff already has received approval to proceed *in forma pauperis* (ECF No. 7), and  
9 there is no indication in the record that his financial situation has changed. However, Plaintiff  
10 has failed to demonstrate that his appeal presents a substantial issue. As the Court indicated in its  
11 order denying Plaintiff’s motion for a new trial, “[t]he matters in dispute were fact questions for  
12 the jury to decide and the evidence presented could have gone either way. The record provides  
13 the Court with no basis on which it could conclude that the jury made a mistake, let alone that  
14 the jurors ignored the law provided to them.” ECF No. 142 at 2. The ground(s) for appeal  
15 advanced by Plaintiff do not present any substantial question(s). Accordingly, it is inappropriate  
16 to provide transcripts for Plaintiff at government expense.

17 **CONCLUSION AND ORDER**

18 Based on the facts the Court has before it, it is unable to find that Plaintiff’s appeal  
19 presents a substantial question. Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion  
20 for preparation of transcript at government’s expense is DENIED.

21 Should Plaintiff seek a transcript from the court reporter, a request must be made in  
22 writing and addressed to the court reporter. Any payment arrangements must be made with the  
23 court reporter as set forth in 28 U.S.C. § 753(f).

24  
25 IT IS SO ORDERED.

26 Dated: May 7, 2019

27 /s/ Lawrence J. O’Neill  
28 UNITED STATES CHIEF DISTRICT JUDGE