1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 CURTIS RENEE JACKSON, Case No.: 1:14-cv-00222-SAB (PC) 12 Plaintiff, ORDER DENYING PLAINTIFF'S MOTION TO STAY PROCEEDINGS TO OBTAIN COPY OF 13 v. **DEPOSITION TRANSCRIPT** 14 DYE, et al., [ECF No. 32] 15 Defendants. 16 17 18

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Plaintiff Curtis Renee Jackson is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion to stay the proceedings, filed April 4, 2016. (ECF No. 32.) Because the Court does not need a response to Plaintiff's motion, the Court elects to rule on the motion prior to the expiration period to file a response pursuant to Local Rule 230(1).

In his motion, Plaintiff contends that Defendants served their motion for summary judgment filed on January 25, 2016, with only limited portions of the deposition testimony and Plaintiff is in need of a full copy of the deposition transcript to oppose Defendants' motion.

Federal Rule of Civil Procedure 30 provides that when paid reasonable charges, the deposition officer must furnish a copy of the transcript or recording to any party or the deponent. Fed. R. Civ. P. 30(f)(3). Similarly, California Code of Civil Procedure section 2025.510(c) provides that the deponent must obtain a copy of any deposition transcripts at his own expense. In addition, there is no statutory

requirement for the government to provide a litigant proceeding in forma pauperis with copies of a deposition transcript. See 28 U.S.C. § 1915(d); see also Whittenberg v. Roll, No. 2:04-cv-2313 FCD JFM, 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 the deposition transcript free of charge).

Plaintiff's motion for a complimentary copy of the deposition transcript must be denied. As stated above, the Court cannot order the court reporter, defense counsel, or defendants, to provide Plaintiff a copy of the deposition transcript free of charge. Plaintiff must obtain the deposition transcript from the officer before whom the deposition was taken on October 6, 2015. See Boston v. Garcia, No. 2:10-cv-1782 KJM DAD, 2013 WL 1165062 at *2 (E.D. Cal. Mar. 20, 2013) (denying plaintiff's request for a court order directing the defendant to provide him with a copy of his deposition transcript). Accordingly, as there is no basis to provide Plaintiff a free copy of the deposition transcript, Plaintiff's request to stay the proceedings and direct defense counsel to provide a copy of the complete deposition transcript is DENIED. Plaintiff is advised that his opposition to Defendants' motion for summary judgment is presently due on or before April 27, 2016.

IT IS SO ORDERED.

Dated: **April 5, 2016**

UNITED STATES MAGISTRATE JUDGE