

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THURMAN GAINES,

Plaintiff,

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 1:15-cv-00587-RRB

**ORDER RE: REQUEST FOR COPY
OF FIRST AMENDED COMPLAINT
[DOCKET 17]**

At **Docket 17** Plaintiff Thurman Gaines a California state prisoner appearing *pro se* and *in forma pauperis*, has requested the Court provide him with a copy of his First Amended Complaint.

Unfortunately, Plaintiff has no constitutional right to have the court provide him free copies of documents in the court's file.¹ The expenditure of public funds on behalf of an indigent is proper only when authorized by Congress.² Consequently, *in forma pauperis* status does not entitle Plaintiff to free copies in the court file.³

Accordingly, the Request for a copy of the First Amended Complaint is **DENIED**.

¹ *Cf. Sands v. Lewis*, 886 F.2d 1166, 1169 (9th Cir.1990) (noting that “numerous courts have rejected any constitutional right to free and unlimited photocopying” by prisoners),

² *Tedder v. Odel*, 890 F.2d 210, 211–12 (9th Cir. 1989).

³ See 28 U.S.C. § 1915; see *e.g., In re Richard*, 914 F.2d 1526, 1527 (6th Cir.1990) (Court concluded that 28 U.S.C. § 1915, the *in forma pauperis* statute, “does not give the [prisoner] litigant a right to have documents copies and returned to him at government expense”).

Concurrently with this Order, the Clerk of the Court is directed to provide Gaines with a copy of the form for ordering copies of the court file and the District Court Miscellaneous Fee Schedule

IT IS SO ORDERED this 1st day of March, 2016

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE