

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 THOMAS L. GOFF,
11 Plaintiff,
12 v.
13 GAMEZ, et al.,
14 Defendants.
15
16

Case No. 1:15-cv-00937-AWI-EPG (PC)
ORDER DENYING PLAINTIFF’S MOTION
REQUESTING PARTIAL COURT
TRANSCRIPTS AT GOVERNMENT
EXPENSE
(ECF NO. 100)

17 Thomas Goff (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action was
19 dismissed for failure to prosecute on November 8, 2019. (ECF Nos. 89 & 90).

20 On January 9, 2020, Plaintiff filed a motion requesting partial court transcripts at
21 government expense. (ECF No. 100). For the reasons described below, Plaintiff’s motion will
22 be denied.

23 **I. LEGAL STANDARD FOR PREPARATION OF A TRANSCRIPT AT THE**
24 **GOVERNMENT’S EXPENSE**

25 28 U.S.C. § 1915(c) states that, “[u]pon the filing of an affidavit in accordance with
26 subsections (a) and (b) and the prepayment of any partial filing fee as may be required under
27 subsection (b), the court may direct payment by the United States of the expenses of (1)
28 printing the record on appeal in any civil or criminal case, if such printing is required by the

1 appellate court; (2) preparing a transcript of proceedings before a United States magistrate
2 judge in any civil or criminal case, if such transcript is required by the district court, in the case
3 of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18,
4 United States Code; and (3) printing the record on appeal if such printing is required by the
5 appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title.
6 Such expenses shall be paid when authorized by the Director of the Administrative Office of
7 the United States Courts.”

8 Section 1915(a) states:

9 (1) Subject to subsection (b), any court of the United States may authorize the
10 commencement, prosecution or defense of any suit, action or proceeding, civil or
11 criminal, or appeal therein, without prepayment of fees or security therefor, by a
12 person who submits an affidavit that includes a statement of all assets such
13 prisoner possesses that the person is unable to pay such fees or give security
14 therefor. Such affidavit shall state the nature of the action, defense or appeal and
15 affiant's belief that the person is entitled to redress.

16 (2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action
17 or proceeding without prepayment of fees or security therefor, in addition to filing
18 the affidavit filed under paragraph (1), shall submit a certified copy of the trust
19 fund account statement (or institutional equivalent) for the prisoner for the 6-
20 month period immediately preceding the filing of the complaint or notice of
21 appeal, obtained from the appropriate official of each prison at which the prisoner
22 is or was confined.

23 Pursuant to 28 U.S.C. § 753(f), “[f]ees for transcripts furnished in [civil]
24 proceedings to persons permitted to appeal in forma pauperis shall also be paid by the
25 United States if the trial judge or a circuit judge certifies that the appeal is not frivolous
26 (but presents a substantial question).” See also Maloney v. E. I. DuPont de Nemours &
27 Co., 396 F.2d 939, 940 (D.C. Cir. 1967); Henderson v. United States, 734 F.2d 483, 484
28 (9th Cir. 1984). “A substantial question exists where the issue before the court of appeals
is reasonably debatable.” Tuggles v. City of Antioch, C08–01914JCS, 2010 WL
3955784 (N.D. Cal. Oct.8, 2010) (internal citations and quotations omitted); see also
Randle v. Franklin, No. CV-08-00845-JAT, 2012 WL 201757, at *2 (E.D. Cal. Jan. 23,
2012).

1 **II. DISCUSSION**

2 It is not entirely clear what Plaintiff is requesting. Plaintiff states that he is requesting
3 “partial transcripts,” but then appears to state that he wants “[a]ll transcripts, motions, exhibits,
4 and telephonic/in person conferences, oral and written, settlement offers by defense; prior
5 application for appeal: 9th Cir. COA # 17-16932 (ECF #'s 14 to 34), then only ECF #'s 75 to
6 87, as the Court had provided partial transcripts upon request on 12-11-19 (ECF # 91).” (ECF
7 No. 100, p. 1). Later in the motion, Plaintiff only appears to request: “1) 9th Cir. COA Appeal
8 # 17-16932[, and] 2) Eastern District ECF #s: 14 to 34, 66 to 68, 75 to 87....” (ECF No. 100,
9 p. 3).¹

10 Plaintiff’s motion will be denied. First, it is not clear if Plaintiff is even requesting
11 transcripts. Plaintiff states that he is requesting transcripts, but later in the motion only requests
12 docketed documents. Second, even if Plaintiff is requesting transcripts, Plaintiff failed to
13 identify any particular transcript that he believes is relevant to his appeal, and after reviewing
14 the docket, it is not clear to the Court that there are any relevant transcripts.

15 As to Plaintiff’s request for docketed documents, those requests will be denied.
16 Plaintiff has already received copies of the documents he is requesting, and Plaintiff has not
17 explained why he needs additional copies or why he is unable to get those copies himself.
18 Moreover, Plaintiff failed to explain how the documents he is requesting are relevant to his
19 appeal.

20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26

27 ¹ In his motion, Plaintiff also asserts that “entry # 87” was “made confidential” contrary to a court order.
28 (ECF No. 100, p. 2). Plaintiff is incorrect. The Court ordered both parties to submit confidential settlement
conference statements (ECF No. 84, p. 2), and the docket entry at ECF No. 87 is Defendant’s notice of compliance
with that order.

