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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSH THOMAS,
Plaintiff,
v.
C. OGBEHI, et al.,
Defendants.

Case No. 1:15-cv-01059-LJO-DLB PC
ORDER REGARDING PLAINTIFF'S
NOTICE TO THE COURT
(Document 16)

Plaintiff Josh Thomas ("Plaintiff") is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on July 10, 2015. On July 14, 2015, the Court dismissed the action without prejudice to refiling accompanied by the filing fee.

Plaintiff filed a notice of appeal on September 14, 2015.

On October 8, 2015, Plaintiff filed a motion for transcripts at government expense. His motion, however, requested copies of two complaints filed in prior actions upon which the Court based its dismissal. The Court therefore construed the motion as one requesting copies of documents. The Court denied the motion on October 28, 2015. In denying the motion, the Court explained that the documents he sought were not relevant insofar as he believed that the *prior* actions were dismissed in error. The Court also explained that the complaints he sought were not available electronically because of the age of the cases. Plaintiff was advised to contact the Clerk's Office for instructions and costs regarding retrieving copies from archived files. Indeed, on

1 December 5, 2015, Plaintiff received notification from the Clerk's Office that the archived cases
2 consisted of three boxes, and it would cost approximately \$64.00 to retrieve the boxes from archives,
3 and an additional \$.50 per page that he wanted copied.

4 On December 17, 2015, Plaintiff filed a notice with the Court contesting the denial. The
5 Court understands that he only requested the complaints in the action, and not the entire case files.
6 Nonetheless, Plaintiff is incorrect that he is entitled to copies of the complaints in prior actions for
7 free. While the Court relied on the complaints in 1:98-cv-06095 and 1:99-cv-5350 in dismissing the
8 current action, he is incorrect that they are part of the record in this action. Pursuant to Circuit Rule
9 30-3, prisoners proceeding pro se are entitled to excerpts of record *in this action* upon request.
10 Plaintiff should certainly have copies of his own complaints in the prior actions, and should have
11 been served with copies of orders in the prior actions. He does not indicate otherwise.

12 Plaintiff's request is DENIED.

13
14 IT IS SO ORDERED.

15 Dated: December 23, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE