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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LONNIE DAWSON,
Petitioner,
v.
R. ZUNIGA, Warden,
Respondent.

No. 1:15-cv-01217-LJO-SKO HC
**ORDER DENYING MOTION
FOR TRANSCRIPTS**
(Doc. 2)

Petitioner, a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, requests issuance of transcripts at the government’s expense pursuant to 28 U.S.C. § 753(f). Respondent has moved to dismiss the petition, contending that it is a second or successive petition regarding Petitioner’s state conviction for which Petitioner has not secured prior authorization from the Court of Appeals. *See* 28 U.S.C. §2244(b)(3)(A) ("Before a second or successive petition permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application"). To the extent that the petition addresses a state conviction, § 753(f), which governs the payment of court reporters for transcripts of federal proceedings, does not authorize this Court to order payment of a state court reporter.

In addition, resolution of Respondent’s motion does not require consideration of the transcripts of the state proceedings against Petitioner. To the extent that transcripts of the state

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proceedings become necessary following resolution of the motion to dismiss, Petitioner may renew his motion for transcripts at that time.

The motion for provision of trial transcripts at the government's request is hereby DENIED, without prejudice to renewal of the motion following resolution of the pending motion to dismiss, if necessary at that time.

IT IS SO ORDERED.

Dated: February 26, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE