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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**

7 RONALD EARL LEGARDY,

8 Plaintiff,

9 vs.

10 I. CEBALLOS,

11 Defendant.

Case No. 2:07-cv-00676-KJD-PAL

ORDER

(Mtn for Legal Status - Dkt. #50)

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13 This matter is before the court on Plaintiff Ronald Earl Legardy's Motion Requesting Legal
14 Mailing Reports Status (Dkt. #50). The court has considered the Motion.

15 Plaintiff asserts that on May 11, 2010, and July 14, 2011, he mailed two motions (Dkt. ##42,
16 43) to the court with an additional copy for the court to return back to him with a file stamp. He asserts
17 that he needs copies of these motions (## 42, 43) in order to prepare an affidavit and comply with Judge
18 Dawson's Order (Dkt. #48) entered February 1, 2011. He also states that he is unsure whether the court
19 is in receipt of these motions.

20 The court is in receipt of Plaintiff's motions (##42, 43). They have been filed and appear on the
21 court's docket sheet. Both motions request copies of all previously-filed documents submitted by
22 Plaintiff and orders entered by the court in this case. It appears that, in response to Plaintiffs' requests,
23 the Clerk of Court inadvertently sent Plaintiff another inmate's case information. Plaintiff returned the
24 incorrectly-sent materials to a prison official and asked they be returned to the Clerk of Court. Plaintiff
25 is concerned that information from his case may have also been sent to the wrong inmate by the Clerk
26 of Court, and although he advised the Clerk in writing of the error, he received no response. Plaintiff is
27 concerned that disclosure of the documents in this case may endanger his safety, and he needs to notify
28 prison officials of the inmate who received this materials.

1 As an initial matter, Plaintiff is advised that all materials filed with the court are a matter of
2 public record, and unless Plaintiff requested and was granted leave to file under seal by the court, none
3 of the papers in this case are confidential.

4 Additionally, with regard to Plaintiff's request (##42, 43) for all documents filed in this case,
5 Plaintiff is advised that the Clerk's Office charges \$0.50 per page to make copies. The statute
6 providing authority to proceed *in forma pauperis*, 28 U.S.C. § 1915, does not include the right to obtain
7 court documents without payment. *See id.* Although the Ninth Circuit has not spoken on the issue,
8 courts in other jurisdictions have not allowed plaintiffs proceeding *in forma pauperis* to receive free
9 copies of documents from the court without the plaintiff demonstrating a specific showing of need.
10 *See, e.g., Collins v. Goord*, 438 F.Supp. 2d 399 (S.D.N.Y. 2006); *Guinn v. Hoecker*, 43 F.3d 1483 (10th
11 Cir. 1994) (no right to free copy of any document in record unless plaintiff demonstrates specific need);
12 *In re Richard*, 914 F.2d 1526 (6th Cir. 1990) (28 U.S.C. § 1915 does not give litigant right to have
13 documents copied at government expense); *Douglas v. Green*, 327 F.2d 661, 662 (6th Cir. 1964) (no
14 free copy of court orders).

15 Furthermore, Plaintiff is advised that if he wishes to have a file-stamped copy of a filing
16 returned to him, he must provide the court with an original plus two copies of the document as well as a
17 self-addressed stamped envelope with the correct postage. With regard to Dkt. ##42 and 43, it is
18 difficult to determine whether Plaintiff complied with this requirement. The court will direct the Clerk
19 to mail Plaintiff a file-stamped copy of these two motions (Dkt. ##42, 43). However, with regard to
20 Plaintiff's request for a copy of all filings in this case, Plaintiff does not assert he either paid the copy
21 costs for all documents or that he submitted a self-addressed stamped envelope with correct postage.
22 That request is denied.


23 Accordingly,

24 **IT IS ORDERED:**

- 25 1. Plaintiff's Motion for Legal Status (Dkt. #50) is GRANTED.
- 26 2. The Clerk of Court shall mail Plaintiff a file-stamped copy of the Request for Status
27 (Dkt. #42) and Request for Copies (Dkt. #43).
- 28 3. If Plaintiff wishes to obtain copies of all the documents filed in this case, he must pay
the copy costs of \$0.50 per page. If Plaintiff needs time-stamped copies of filings, he

1 must mail an original plus two copies of the filing and a self-addressed stamped
2 envelope with correct postage.

3 Dated this 22nd day of August, 2011.
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7 PEGGY A. ALLEN
8 UNITED STATES MAGISTRATE JUDGE
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