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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL CHESS,

Plaintiff,

No. CIV S-07-1767 LKK DAD P

vs.

J. DOVEY, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's April 28, 2010 motion to compel. Therein, plaintiff seeks a transcript of his deposition that was taken on March 5, 2010.

Defendants have not opposed the motion.¹ Nonetheless, plaintiff's motion will be denied. There is no statutory requirement for the government to provide a litigant proceeding in forma pauperis with copies of a deposition transcript. See 28 U.S.C. § 1915(d); see also Whittenberg v. Roll, No. CIV S-04-2313 FCD JFM P, 2006 WL 657381 at *5 (E.D. Cal. Mar.

¹ On August 5, 2008, the court advised defendants that all motions concerning discovery shall be briefed pursuant to Local Rule 230(m). Defendants were also warned that failure to oppose such motions may be deemed a waiver of opposition to the motion. See Local Rule 230(l).

1 15, 2006) (denying plaintiff's motion to compel defendant to provide him with a copy of the
2 deposition transcript free of charge). Moreover, under Rule 30(f)(3) of the Federal Rules of Civil
3 Procedure, the officer before whom a deposition is taken must retain stenographic notes of the
4 proceedings or a copy of the recording of a deposition taken by different method. The officer
5 must also provide a copy of the transcript to any party or to the deponent upon payment of
6 reasonable charges therefor. The court will not order defense counsel or the defendants to
7 provide plaintiff with a copy of his deposition transcript. Plaintiff must obtain it from the officer
8 before whom the deposition was taken. See Claiborne v. Battery, No. CIV S-06-2919 FCD EFB,
9 2009 WL 530352, at *3 (E.D. Cal. Mar. 3, 2009) (denying plaintiff's request for a court order
10 directing the defendant to provide him with a copy of his deposition transcript); Brown v.
11 Castillo, No. CV F-02-6018 AWI DLB, 2006 WL 1408452, at *1 (E.D. Cal. May 22, 2006)
12 (same).

13 For the reasons discussed above, IT IS HEREBY ORDERED that plaintiff's
14 motion to compel (Doc. No. 84) is denied.

15 DATED: June 14, 2010.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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