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

DANTE LOVE,

Plaintiff,
vs.

No. CIV S-09-1086 WBS GGH P

EILYA MODHADDAM,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. On April 19, 2010, plaintiff filed a motion to compel seeking the court to order defendants to provide plaintiff with a copy of his deposition taken on March 25, 2010. Plaintiff's motion is denied, as this is not appropriate in a motion to compel.

The officer before whom a deposition is taken must retain stenographic notes of the proceedings or a copy of the recording of a deposition taken by a different method. Fed. R. Civ. P. 30(f)(3). The officer must provide a copy thereof to any party or to the deponent upon payment of reasonable charges therefor. Id. The court cannot order defendant to provide plaintiff a copy of the transcript of the deposition. Plaintiff must obtain it from the officer before whom the deposition was taken pursuant to Rule 30(f)(3).

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Furthermore, there is no provision under the Federal Rules or the Local Rules for free copies of deposition transcripts. The expenditure of public funds on behalf of an indigent litigant is proper only when authorized by Congress. See Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989) (citations omitted). The in forma pauperis statute does not authorize the expenditure of public funds for the purpose sought by plaintiff.

Accordingly, IT IS HEREBY ORDERED that plaintiff's April 19, 2010 motion to compel (Doc. 32) is denied.

DATED: July 13, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH: AB
love1086.cpl