

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MADY CHAN,

No. 2:09-cv-02006-MCE-GGH

Plaintiff,

v.

ORDER

COUNTY OF SACRAMENTO, et al.,

Defendants.

-----oo0oo-----

Before the Court is pro se Plaintiff Mady Chan's Request for Transcripts at Government Expense (ECF No. 116). For the reasons that follow, the Request is **GRANTED**.

A litigant who has been granted in forma pauperis status may move to have transcripts produced at government expense. See 28 U.S.C. § 753(f); McKinney v. Anderson, 924 F.2d 1500, 1511-12 (9th Cir. 1991). Two statutes must be considered whenever the district court receives a request to prepare transcripts at the government's expense.

///  
///

1 First, 28 U.S.C. § 1915(c) defines the limited circumstances  
2 under which the court can direct the government to pay for  
3 transcripts for a litigant proceeding in forma pauperis.

4 (c) Upon the filing of an affidavit in accordance with  
5 subsections (a) and (b) and the prepayment of any  
6 partial filing fee as may be required under subsection  
7 (b), the court may direct payment by the United States  
8 of the expenses of (1) printing the record on appeal in  
9 any civil or criminal case, if such printing is  
10 required by the appellate court; (2) preparing a  
11 transcript of proceedings before a United States  
12 magistrate judge in any civil or criminal case, if such  
13 transcript is required by the district court, in the  
14 case of proceedings conducted under section 636(b) of  
15 this title or under section 3401(b) of title 18, United  
16 States Code; and (3) printing the record on appeal if  
17 such printing is required by the appellate court, in  
18 the case of proceedings conducted pursuant to section  
19 636(c) of this title. Such expenses shall be paid when  
20 authorized by the Director of the Administrative Office  
21 of the United States Courts.

22 28 U.S.C. § 1915(c).

23 Second, 28 U.S.C. § 753(f) allows the court to order the  
24 government to pay for transcripts only if "the trial judge or a  
25 circuit judge certifies that the appeal is not frivolous (but  
26 presents a substantial question)." 28 U.S.C. § 753(f). A  
27 request for a transcript at government expense should not be  
28 granted unless the appeal presents a substantial question.  
29 Henderson v. United States, 734 F.2d 483, 484 (9th Cir. 1984).

30 Plaintiff is proceeding pro se and the magistrate judge has  
31 determined that Plaintiff is entitled to continue his  
32 in forma pauperis status on appeal and that the appeal is not  
33 frivolous.

34 ///

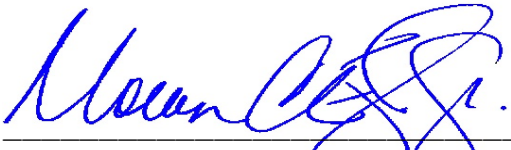
35 ///

36 ///

1 The Court is in accord with these findings and GRANTS Plaintiff's  
2 Request for Transcripts at Government Expense. The court  
3 reporter is directed to provide Plaintiff with a transcript of  
4 the December 15, 2011 hearing.

5 IT IS SO ORDERED.

6 Dated: March 14, 2012

7  
8   
9 \_\_\_\_\_  
10 MORRISON C. ENGLAND, JR.  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28