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

DEWEY TERRY,

Plaintiff,

No. CIV S-10-0068 MCE GGH P

vs.

JOHN HIVILAND, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff filed a motion to compel defendants to produce certain documents on November 17, 2010, (Doc. 29) and a motion for the production of his deposition testimony on January 7, 2011, (Doc. 31).

Within twenty-one days, defendants shall respond to plaintiff’s November 17, 2010, motion to compel (Doc. 29).

Plaintiff’s motion for the production of his deposition testimony is denied. 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

1 transcript of the deposition. Plaintiff must obtain it from the officer before whom the deposition  
2 was taken pursuant to Rule 30(f)(3).

3           Furthermore, there is no provision under the Federal Rules or the Local Rules for  
4 free copies of deposition transcripts. The expenditure of public funds on behalf of an indigent  
5 litigant is proper only when authorized by Congress. See Tedder v. Odel, 890 F.2d 210 (9th Cir.  
6 1989) (citations omitted). The in forma pauperis statute does not authorize the expenditure of  
7 public funds for the purpose sought by plaintiff.

8           Accordingly, IT IS HEREBY ORDERED that:

9           1. Defendants shall respond to the November 17, 2010, motion to compel (Doc.  
10 29), within twenty-one days of this order.

11           2. Plaintiff's January 7, 2011, motion for production of his deposition (Doc. 31)  
12 is denied.

13 DATED: January 24, 2011

/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

15 GGH: AB  
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