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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN WARE,
Plaintiff,
v.
M. McDONALD, et al.,
Defendants.

No. 2:12-cv-1505 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, with a civil rights action pursuant to 42 U.S.C. § 1983. On July 27, 2015, plaintiff wrote the court indicating that his deposition was taken, and that he would like to make arrangements to read, sign, and receive a copy of the deposition transcript. It also appears that plaintiff seeks to seal a portion of the transcript from the public record.

First, plaintiff must make arrangements with the court reporter in order to read, review and sign the deposition transcript. If plaintiff does not have this information, he may seek it from defense counsel. Plaintiff should be allowed to take notes during his review of the deposition transcript.

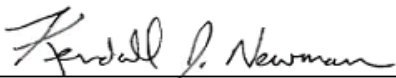
Second, there is no statutory requirement for the government to provide a litigant proceeding in forma pauperis with copies of a deposition transcript. See 28 U.S.C. § 1915(d). See also Whittenberg v. Roll, 2006 WL 657381 at *5 (E.D. Cal. Mar.15, 2006) (denying

1 plaintiff's motion to compel defendant to provide him with a copy of the deposition transcript free
2 of charge). Moreover, under Rule 30(f)(3) of the Federal Rules of Civil Procedure, the officer
3 before whom a deposition is taken must retain stenographic notes of the proceedings or a copy of
4 the recording of a deposition taken by different method. Id. The officer must also provide a copy
5 of the transcript to any party or to the deponent upon payment of reasonable charges therefor. Id.
6 Thus, the court will not order defense counsel or the defendant to provide plaintiff with a copy of
7 his deposition transcript. Plaintiff must obtain it from the officer before whom the deposition was
8 taken. See Boston v. Garcia, 2013 WL 1165062 at *2 (E.D. Cal. Mar.20, 2013) (denying
9 plaintiff's request for a court order directing the defendant to provide him with a copy of his
10 deposition transcript). Thus, plaintiff's request for a free copy of the deposition transcript is
11 denied.

12 Finally, with regard to plaintiff's request to seal portions of the deposition transcript, it is
13 unclear whether defendants intend to submit those portions as part of the court record. Thus, the
14 parties shall cooperate in an effort to identify any portions of the deposition transcript to be
15 sealed, and submit an appropriate stipulation, if any such portions are going to be filed as part of
16 the court record.

17 Accordingly, IT IS HEREBY ORDERED that plaintiff's request (ECF No. 86) is denied
18 without prejudice.

19 Dated: August 11, 2015

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21 _____
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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