1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:13-cv-2151-GEB-EFB P ROBERT LEE JENKINS, JR., 12 Plaintiff. 13 **ORDER** v. 14 BONDS, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 18 U.S.C. § 1983. He seeks an order from the court directing defense counsel to provide him with a 19 copy of the transcript from his deposition, free of charge. ECF No. 30. Pursuant to Rule 30 of 20 the Federal Rules of Civil Procedure, however, plaintiff must first pay for a copy of the 21 deposition transcript, and then obtain it from the officer before whom the deposition was taken. 22 Fed. R. Civ. P. 30(f)(3). Plaintiff cites to no authority suggesting that either the court or the 23 defendant, should instead be forced to bear this cost. Although plaintiff is proceeding in forma 24 pauperis pursuant to 28 U.S.C. § 1915, that statute does not authorize the expenditure of public 25 funds for deposition transcripts. See 28 U.S.C. § 1915; Tedder v. Odel, 890 F.2d 210, 211-12 26 (9th Cir. 1989) (per curiam) ("[T]he expenditure of public funds [on behalf of an indigent 27 litigant] is proper only when authorized by Congress'") (alteration in original) (quoting *United* 28 States v. MacCollom, 426 U.S. 317, 321 (1976)). 1

Accordingly, IT IS HEREBY ORDERED that plaintiff's request for a free copy of his
deposition transcript (ECF No. 30) is denied.
DATED: January 17 2017
Simund F. Bieman
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE