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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TANYA MCDANIEL,
Plaintiff,
v.
DANIEL POWELL, et al.,
Defendants.

No. 2:13-cv-02653-MCE-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). Plaintiff, proceeding pro se and in forma pauperis, filed the operative complaint on December 10, 2014. ECF No. 31. Currently before the court is plaintiff’s motion for leave to file a third amended complaint, ECF No. 37, as well as her motion to (1) have all court fees waived, (2) record her hearings before the court, (3) have media present at her hearings before the court, and (4) have transcript fees waived, ECF No. 39 (hereinafter “Motion for Miscellaneous Relief”).

The court will deny plaintiff’s motion for leave to file a third amended complaint because plaintiff did not file a copy of the complaint as an exhibit to the motion in accordance with Local Rule 137(c).

The court will also deny plaintiff’s Motion for Miscellaneous Relief in its entirety, because plaintiff has not established her entitlement to the relief sought. “The Supreme Court has declared that ‘the expenditure of public funds [on behalf of an indigent litigant] is proper only

1 when authorized by Congress” Tedder v. Odel, 890 F.2d 210, 211–12 (9th Cir. 1989)
2 (quoting United States v. MacCollom, 426 U.S. 317, 321 (1976)). The in forma pauperis statute,
3 28 U.S.C. § 1915, authorizes the court to pay for service of process on behalf of an indigent
4 litigant and, in certain cases, to pay the costs of printing the record on appeal and preparing a
5 transcript of proceedings. However, section 1915 does not authorize the court to provide pro se
6 litigants proceeding in forma pauperis with copies of transcripts for their general use. Lopez v.
7 Yale, No. 104CV05595DLBPC, 2008 WL 3155201, at *2 (E.D. Cal. Aug. 4, 2008). All of the
8 court’s rulings in this case and the reasons for them are set out in written orders for plaintiff’s
9 reference. There have been no evidentiary proceedings, and none are imminent. Because the
10 court lacks authority to waive the cost of either copies of hearing transcripts or audio recordings,
11 plaintiff’s Motion for Miscellaneous Relief will be denied.


12 Plaintiff is cautioned that Local Rule 173(a) prohibits tape recording, other than by the
13 court’s own electronic court reporting system, in all courtrooms and adjacent corridors. The court
14 will not override that rule here, for the reasons set forth above.

15 Media presence does not require court permission, as court proceedings are generally open
16 to the public. See Globe Newspaper Co. v. Superior Court for Norfolk Cnty., 457 U.S. 596, 606–
17 07 (1982).

18 In light of the foregoing, THE COURT HEREBY ORDERS that

- 19 1. Plaintiff’s motion for leave to file a third amended complaint, ECF No. 37, is denied;
20 and
21 2. Plaintiff’s Motion for Miscellaneous Relief, ECF No. 39, is denied.

22 DATED: January 23, 2015

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24 ALLISON CLAIRE
25 UNITED STATES MAGISTRATE JUDGE
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