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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICA HOEFT,

Plaintiff,

v.

AL BALLON,

Defendant.

No. 2:16-cv-02615 CKD (PS)

ORDER

Judgment was entered in this action on October 3, 2017, and plaintiff, proceeding pro se and in forma pauperis, has filed a notice of appeal. Before the court is plaintiff’s motion for an order compelling the government to pay for transcripts of the July 19, 2017 hearing on defendant’s motion to dismiss. (ECF No. 56.)


After two rounds of amendment, plaintiff’s Second Amended Complaint was dismissed with prejudice for failure to state a cognizable claim against defendant. As the standard for requiring the production of transcripts at government expense is not met here, the court will deny plaintiff’s motion. See McKinney v. Anderson, 924 F.2d 1500, 1511–12 (9th Cir. 1991), overruled on other grounds by Helling v. McKinney, 502 U.S. 903, 112 S.Ct. 291 (1991) (reviewing for an abuse of discretion and noting that “[p]roduction of the transcript at government expense for an appellant in forma pauperis in a civil case is proper under 28 U.S.C. § 753 if a trial

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1 judge certifies that the appeal is not frivolous and presents a substantial question”).

2 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for leave to file a late  
3 transcript designation at the government’s expense (ECF No. 56) is denied.

4 Dated: February 12, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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