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United States District Court
For the Northern District of California

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

GARY B. MOORE,

Plaintiff,

v.

OFFICER S. ZEPPA, et al.,

Defendants

No. C-04-1749 MMC

**ORDER DENYING PLAINTIFF'S
SECOND MOTION FOR TRANSCRIPTS**

Before the Court is plaintiff Gary B. Moore's "Motion for Transcripts," filed June 9, 2010, by which plaintiff seeks an order providing him with "the transcripts of his trial at government expense." (See Pl.'s Mot. at 1.) Having read and considered the motion, the Court rules as follows.

By order filed April 15, 2010, the Court denied plaintiff's motion seeking the same relief as that sought in the instant motion. In the instant motion, plaintiff, in essence seeking reconsideration of the Order of April 15, 2010, notes that subsequent to issuance of the Order of April 15, 2010, he filed a notice of appeal from the judgment.


As set forth in the Order of April 15, 2010, a litigant proceeding in forma pauperis may be entitled to an order providing him free transcripts if a notice of appeal is filed, but only if a court certifies that the appeal is "not frivolous" and "presents a substantial question." See 28 U.S.C. § 753(f) (providing "[f]ees for transcripts furnished in [civil]

1 proceedings to persons permitted to appeal in forma pauperis shall [] be paid by the United
2 States if the trial court or circuit judge certifies that the appeal is not frivolous (but presents
3 a substantial question)"). Here, although plaintiff has now filed a notice of appeal, plaintiff
4 has not identified therein any "substantial question" that would be presented by such an
5 appeal. See id.

6 Accordingly, plaintiff's second motion for transcripts is hereby DENIED.

7 **IT IS SO ORDERED.**

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9 Dated: June 15, 2010

10 
11 MAXINE M. CHESNEY
12 United States District Judge