

United States District Court
For the Northern District of California

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

AMIR SHERVIN AND SHIRIN N. SHERVIN,

No. C 08-01631 SI

Plaintiffs,

**REVISED ORDER GRANTING
REQUEST FOR PREPARATION OF
TRANSCRIPT**

v.

CITY OF NEWARK, et al.,

Defendants.

Currently before the Court is plaintiffs’ request that the Court direct the reporter to prepare a transcript of three proceedings in this case at the government’s expense under 28 U.S.C. § 753(f). Docket No. 185. The Federal Defendants do not oppose the request, but note that the transcripts from hearings dated June 19, 2008 and January 22, 2009 are available on Pacer. Docket No. 188; *see also* Docket Nos. 25 & 106.

“Fees for transcripts furnished in [civil] proceedings to persons permitted to appeal in forma pauperis shall [] be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” 28 U.S.C. § 753(f). The Ninth Circuit has allowed plaintiffs permission to proceed in forma pauperis on appeal. Docket No. 184. The Court finds that the appeal raises non-frivolous claims and presents a substantial question..


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Therefore, the Court GRANTS plaintiffs' request and directs the reporter to prepare a transcript for the August 13, 2009 hearing on defendants' motion to dismiss the second amended complaint at the United State's expense.

IT IS SO ORDERED.

Dated: August 19, 2011



SUSAN ILLSTON
United States District Judge