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


WILLIAM M. ENDRES,  
Plaintiff,  
v.  
ELENA TOOTELL,  
Defendant.

NO. C10-3924 TEH  
ORDER RE: TRANSCRIPT ON  
APPEAL

The Court has reviewed Plaintiff William Endres’s certificate of lack of necessity of transcript on appeal, as well as Defendant Elena Tootell’s response thereto. The Court agrees with Defendant that the transcript of the July 9, 2012 motion hearing is necessary for this appeal. However, because Plaintiff has been granted leave to proceed in forma pauperis, and because this Court finds the appeal to present a substantial question and to be not frivolous, the transcript shall be produced at government expense under 28 U.S.C. § 753(f). *See, e.g., Goodwin v. Cal. Dep’t of Corr. & Rehab.*, Case No. C07-1924 JL, 2011 WL 115248 (N.D. Cal. Jan. 24, 2011).

**IT IS SO ORDERED.**

Dated: 10/04/12

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT