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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 IVAN LEE MATTHEWS,

Case No. [13-cv-02760-JD](#)

8
9 Plaintiff,

ORDER DENYING MOTIONS

10 v.

Re: Dkt. Nos. 46, 50, 53

11
12 E. BLACK, et al.,

13
14 Defendants.
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16 Plaintiff has filed a pro se civil rights action under 42 U.S.C. § 1983 against several
17 defendants. One defendant has filed a motion to dismiss, while the remaining defendants have
18 recently filed motions for summary judgment. Plaintiff has filed several motions. Plaintiff's
19 motion for an entry of default is denied as defendants have timely filed dispositive motions.
20 Plaintiff's request for a copy of his previously filed opposition is granted.

21 Plaintiff has also filed a motion for an extension to seek additional discovery. Plaintiff
22 seeks a copy of his deposition transcript, but states he previously received a copy of the transcript,
23 signed it, and then returned it to defendants. He appears to be asking for another copy.

24 Federal Rule of Civil Procedure 30(f)(3) provides that, "the officer must retain the
25 stenographic notes of a deposition taken stenographically or a copy of the recording of a
26 deposition taken by another method. When paid reasonable charges, the officer must furnish a
27 copy of the transcript or recording to any party or the deponent."
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Although plaintiff was granted leave to proceed in forma pauperis in this case, it is well established that “the expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by Congress.” *Tedder v. Odel*, 890 F.2d 210, 211 (9th Cir. 1989) (quoting *United States v. MacCollom*, 426 U.S. 317, 321 (1976)). The expenditure of public funds for deposition transcripts is not authorized by the in forma pauperis statute or any other statute. *See* 28 U.S.C. § 1915. As plaintiff has already reviewed his transcript, his request for an additional copy of the deposition transcript at the Court’s or defendants’ expense is denied. *See Boston v. Garcia*, 2013 WL 1165062 (E.D. Cal. 2013).¹ Plaintiff will be provided an extension to obtain documents from his prison file to prepare an opposition to the summary judgment motion.

CONCLUSION

- 1. Plaintiff’s motion for entry of default judgment (Docket No. 46) is **DENIED**.
- 2. Plaintiff’s motion for a copy of his opposition (Docket No. 50) is **GRANTED** and the Clerk shall send plaintiff a copy of his opposition (Docket No. 45).
- 3. Plaintiff’s motion for an extension for discovery (Docket No. 53) is **GRANTED** in part as described above and he must file an opposition to the motions for summary judgment by October 3, 2014.

IT IS SO ORDERED.

Dated: September 3, 2014



JAMES DONATO
United States District Judge

¹ The Court also notes that portions of the deposition (pages 29-108) have been provided as an exhibit to the motion for summary judgment. Docket No. 52.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IVAN LEE MATTHEWS,
Plaintiff,
v.
E. BLACK, et al.,
Defendants.

Case No. [13-cv-02760-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/4/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ivan Lee Matthews ID: H69338
California Correctional Institution Housing 4-A-6-A-#101
P.O. Box 1902
Tehachapi, CA 93581

Dated: 9/4/2014

Richard W. Wieking
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO