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2
3 IN THE UNITED STATES DISTRICT COURT
4
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

6 DONNA HINES,

7 Plaintiff,

8 v.

9 CALIFORNIA PUBLIC UTILITIES
10 COMMISSION, AROCLES AGUILAR, DANA S.
11 APPLING, ROBERT J. WULLENJOHN, STATE
PERSONNEL BOARD, GREGORY W. BROWN and
FLOYD D. SHIMOMURA,

12 Defendants.
13 _____/

No. C 07-04145 CW

ORDER ON PLAINTIFF'S
MOTION FOR
TRANSCRIPT
DESIGNATION AND
DENYING PLAINTIFF'S
REQUEST FOR COURT
PAYMENT OF
TRANSCRIPT FEES
(Docket No. 409)

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15 On September 24, 2010, Plaintiff Donna Hines, who is
16 proceeding pro se, filed a motion "to designate transcript of the
17 case record and 'civil docket.'" Mot. at 2. In her motion, she
18 also requests that any transcripts in her action be "ordered at
19 government expense." Id. at 3.

20 Plaintiff apparently seeks an order designating all documents
21 filed in her action to be part of the record on appeal. Such an
22 order is not necessary. In reviewing Plaintiff's case, the Ninth
23 Circuit will have access to the documents filed in this Court's
24 record with the Clerk of this Court. Ninth Circuit Rule 10-2
25 provides that the complete record on appeal consists of "(a) the
26 official transcript of oral proceedings before the district court
27 ('transcript'), if there is one; and (b) the district court clerk's
28 record of original pleadings, exhibits and other papers filed with

1 the district court ('clerk's record')." See also Fed. R. App. P.
2 10(a). For Plaintiff's reference, a copy of this Court's record is
3 attached to this Order.

4 Although neither the Court nor Plaintiff must designate
5 documents for review, Plaintiff must identify the transcripts of
6 oral proceedings, or portions thereof, that she intends to be part
7 of the record on appeal. To do so, she must file a Transcript
8 Designation and Ordering Form. Plaintiff states that she did not
9 receive a Transcript Designation and Ordering Form with the Ninth
10 Circuit's Time Schedule Order and that her current motion
11 represents her notice to this Court and Defendants that she intends
12 to order transcripts of oral proceedings in her case. She has not,
13 however, filed the necessary form, which is available from this
14 Court's Clerk's Office or on this Court's website.

15 Because Plaintiff's case is on appeal, she must follow the
16 Federal Rules of Appellate Procedure and the Ninth Circuit Rules.
17 The Court notes that Ninth Circuit Rule 10-3.1(a) states,

18 Unless the parties have agreed on which portions of the
19 transcript to order, or appellant intends to order the
20 entire transcript, appellant shall serve appellee with a
21 notice specifying which portions of the transcript
22 appellant intends to order from the court reporter, as
23 well as a statement of the issues the appellant intends
24 to present on appeal. In the alternative, appellant
25 shall serve on appellee a statement indicating that
26 appellant does not intend to order any transcripts. This
27 notice and statement shall be served on appellee within
28 10 days of the filing of the notice of appeal or within
10 days of the entry of an order disposing of the last
timely filed motion of a type specified in FRAP 4(a)(4).

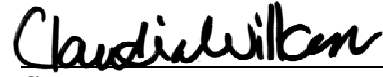
25 If Plaintiff intends to seek relief from this Ninth Circuit Rule or
26 any others, she must file a motion with the court of appeals, not
27 this Court.

28 Finally, Plaintiff asks that transcripts be provided at

1 government expense "on the basis of economic hardship." Mot. at 3.
2 However, she has not sought to proceed in forma pauperis and there
3 is no evidence of her financial status. Accordingly, Plaintiff's
4 request is DENIED. (Docket No. 409.)

5 IT IS SO ORDERED.

6 Dated: 10/6/2010



CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 DONNA HINES,

5 Plaintiff,

6 v.

7 CALIFORNIA PUBLIC UTILITIES
8 COMMISSION et al,

9 Defendant.
10 _____/

Case Number: CV07-04145 CW

CERTIFICATE OF SERVICE

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

13 That on October 6, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
16 in the Clerk's office.

17 Donna Hines
18 268 Bush Street, #3204
19 San Francisco, CA 94104

20 Dated: October 6, 2010

21 Richard W. Wieking, Clerk
22 By: Nikki Riley, Deputy Clerk
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