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5 UNITED STATES DISTRICT COURT
6 SOUTHERN DISTRICT OF CALIFORNIA
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8 RAUL ARELLANO, JR.,

9 Plaintiff,

10 v.

11 OFFICER HODGE et al.,

12 Defendants.

Case No.: 14-cv-590 JLS (JLB)

**ORDER DENYING MOTION
TO RECEIVE DEPOSITION
TRANSCRIPT**

[ECF No. 145]

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14 Before the Court is Plaintiff's motion to receive a copy of the transcript of the
15 deposition taken on March 24, 2017. (ECF No. 145.) Plaintiff asserts that he submitted a
16 request for a copy of the transcript to U.S. Legal Support, the court reporting agency that
17 transcribed the deposition, on April 7, 2017, but he has not received a response to his
18 request. (*Id.* at 3.) Plaintiff now requests that the Court either send him a copy of the
19 deposition transcript or "tell its court reporting service" to send him a copy of the transcript.
20 (*Id.*)

21 The Court does not have the authority to provide Plaintiff with a copy of the
22 requested deposition transcript free of charge. A person who transcribes a deposition is
23 required to provide a copy of the transcript to any party or the deponent only when paid
24 reasonable charges therefor. Fed. R. Civ. P. 30(f)(3). Although Plaintiff was granted leave
25 to proceed *in forma pauperis* in this case (ECF No. 3), it is well established that "the
26 expenditure of public funds [on behalf of an indigent litigant] is proper only when
27 authorized by Congress." *Tedder v. Odel*, 890 F.3d 210, 211 (9th Cir. 1989) (quoting
28 *United States v. MacCollom*, 426 U.S. 317, 321 (1976)). The expenditure of public funds

1 for deposition transcripts is not authorized by the *in forma pauperis* statute or any other
2 statute. *See* 28 U.S.C. § 1915; *Franklin v. Felker*, No. 2:11-cv-2055 KJN P, 2012 WL
3 3234234, at *2 (E.D. Cal. Aug. 6, 2012). Accordingly, the Court cannot grant Plaintiff's
4 request that it provide him a copy of the March 24, 2017 deposition transcript free of
5 charge. *See Claiborne v. Battey*, No. CIV S-06-2919 FCD EFB P, 2009 WL 530352, at *3
6 (E.D. Cal. Mar. 3, 2009).

7 Nor does the Court have the authority to compel U.S. Legal Support to provide
8 Plaintiff with a copy of the deposition transcript free of charge. U.S. Legal Support is not
9 a court reporting service of the Court, as Plaintiff's motion suggests. (*See* ECF No. 145 at
10 3.) And, even if it were, under the Federal Rules of Civil Procedure, the Court cannot
11 compel it to provide Plaintiff with a copy of the deposition transcript free of charge. *See*
12 Fed. R. Civ. P. 30(f)(3); *see also Brown v. Castillo*, No. CV-F-02-6018 AWI DLB P, 2006
13 WL 1408452, at *1 (May 22, 2006) ("Neither this court nor defendant can provide a copy
14 [of the deposition transcript] to plaintiff without the authorization of the court reporter.").
15 Accordingly, if Plaintiff desires a copy of the March 24, 2017 deposition transcript, he
16 must request it from U.S. Legal Support and pay U.S. Legal Support the reasonable charges
17 for the transcript. *See* Fed. R. Civ. P. 30(f)(3).

18 For the reasons above, the Court **DENIES** Plaintiff's request for a copy of the March
19 24, 2017 deposition transcript (ECF No. 145).

20 **IT IS SO ORDERED.**

21 Dated: June 9, 2017

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23 Hon. Jill L. Burkhardt
24 United States Magistrate Judge
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