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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 RAUL ARELLANO,

12 Plaintiff,

13 v.

14 BLAHNİK,

15 Defendant.

Case No.: 16cv2412-CAB-MSB

**ORDER REGARDING MOTION TO
BE SENT COPIES OF CERTAIN
DOCUMENTS [Doc. No. 167]**

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17 On October 27, 2020, Plaintiff filed a motion to be sent print out of certain
18 documents. [Doc. No. 167.] Specifically, Plaintiff requests a copy of Docket Nos. 8, 13
19 and 15. [Doc. No. 167 at 2.]

20 While “prisoners have a constitutional right of access to the courts,” *Bounds v.*
21 *Smith*, 430 U.S. 817, 821 (1977), there is no constitutional right to receive photocopies
22 free of charge. *Sands v. Lewis*, 886 F.2d 1166, 1169 (9th Cir. 1990), overruled on other
23 grounds by *Lewis v. Casey*, 518 U.S. 343, 351 (1996); see also *Jones v. Franzen*, 697
24 F.2d 801, 803 (7th Cir. 1983) (“[B]road as the constitutional concept of liberty is, it does
25 not include the right to xerox.”); *Wanninger v. Davenport*, 697 F.2d 992, 994 (11th Cir.
26 1983) (finding no violation of “appellant's constitutional rights when [prison officials]
27 refused to provide him with free photocopies....”); *Reynolds v. Wagner*, 128 F.3d 166,
28 183 (3d Cir. 1997) ([T]here is no First Amendment right to subsidized [legal] mail or

1 photocopying.”).

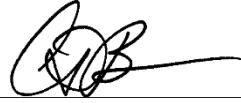
2 The rule prohibiting free photocopies is the same for plaintiffs proceeding in forma
3 pauperis. See *In re Richard*, 914 F.2d 1526, 1527 (6th Cir. 1990) (Title 28 U.S.C. section
4 1915 “waives only ‘prepayment of fees and costs and security ...’ [but] does not give the
5 litigant a right to have documents copied and returned to him at government expense.”);
6 *Hadsell v. Comm'r Internal Revenue Service*, 107 F.3d 750, 752 (9th Cir. 1997); *Dixon v.*
7 *Ylst*, 990 F.2d 478, 480 (9th Cir. 1993) (explaining that title 28 U.S.C. section 1915—
8 governing proceedings in forma pauperis—does not waive the payment of fees or
9 expenses required for an indigent's witnesses); *Tedder v. Odel*, 890 F.2d 210, 211–12 (9th
10 Cir. 1989) (per curiam) (quoting *United States v. MacCollom*, 426 U.S. 317, 321 (1976)
11 (holding that “the expenditure of public funds [on behalf of an indigent litigant] is proper
12 only when authorized by Congress,” and that 28 U.S.C. section 1915 does not provide
13 such authorization); *Tabron v. Grace*, 6 F.3d 147, 159 (3d Cir. 1993) (courts are not
14 authorized “to commit federal monies for payment of necessary expenses in a civil suit
15 brought by an indigent litigant.”); *St. Hilaire v. Winhelm*, 1996 WL 119505 (9th Cir. Mar.
16 18, 1996) (“There is no statutory requirement for the government to provide a litigant
17 proceeding in forma pauperis with copies of deposition transcripts.”). Nevertheless,
18 “although a prisoner does not have an unlimited right to free copying, some reasonable
19 means of access to a photocopy machine will be necessary to protect an inmate's right of
20 access to the courts.” *Armstrong v. Scribner*, 2008 WL 268974, at *20 (S.D. Cal. Jan. 30,
21 2008) (quoting *Giles v. Tate*, 907 F. Supp. 1135, 1138 (S.D. Ohio 1995)).

22 Plaintiff claims he needs Docket Nos. 8, 13 and 15 to prepare for issues related to
23 punitive damages, which may be the subject of a future motion for summary judgment.
24 [See Doc. No. 165 at 2.] While Plaintiff is not necessarily entitled to copies of those
25 documents, in the interests of moving this case forward and assisting Plaintiff in
26 preparing for the upcoming motion, the Court **GRANTS** Plaintiff’s request.

27 Therefore, **IT IS HEREBY ORDERED**: The Clerk of the Court shall send to
28 Plaintiff, along with a copy of this order, a copy of Docket Nos. 8, 13, and 15.

1 Going forward, Plaintiff should retain a copy of any documents he thinks he may
2 need to reference later. If Plaintiff should need further copies of any court documents
3 from the Clerk of the Court, they may be purchased at \$0.50 per page.

4 Dated: October 28, 2020



Hon. Cathy Ann Bencivengo
United States District Judge

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