


1 or a circuit judge certifies that the appeal is not frivolous (but presents a substantial
2 question).” *See also Tuggles v. City of Antioch*, No. C08-01914JCS, 2010 WL 3955784,
3 at *1 (N.D. Cal. Oct. 8, 2010) (“A request for a transcript at government expense should
4 not be granted unless the appeal presents a ‘substantial question.’” (quoting *Henderson v.*
5 *United States*, 734 F.2d 483, 484 (9th Cir.1984))). “A substantial question exists where
6 the issue before the court of appeals ‘is reasonably debatable.’” *Id.* (quoting *Washburn v.*
7 *Fagan*, No. C03-0869 MJJ, 2007 WL 2043854, at *2 (N.D. Cal. July 12, 2007)).

8 Here, Plaintiff appeals the Judgment entered in favor of Defendants based on a jury
9 verdict for Defendants. (*See generally* ECF Nos. 172, 177.) Neither Plaintiff’s original,
10 (*see* ECF No. 172), nor amended, (*see* ECF No. 177), Notice of Appeal, however, mentions
11 the grounds for Plaintiff’s appeal. Accordingly, the Court is unable to determine at this
12 time whether any issue(s) that will be before the Ninth Circuit presents a “substantial
13 question,” and consequently the Court necessarily **DENIES WITHOUT PREJUDICE**
14 Plaintiff’s Motion. *See, e.g., Hawkins v. Adams*, No. 1:09-CV-0771-LJO-JLT, 2013 WL
15 4647910, at *1 (E.D. Cal. Aug. 28, 2013) (denying second motion for transcripts at the
16 government’s request where the “[p]laintiff omits any explanation for the basis of his
17 appeal[, and, a]s such, the Court to find that Plaintiff’s appeal fails to present any substantial
18 question”).

19 **IT IS SO ORDERED.**

20 Dated: May 4, 2022

21 
22 Honorable Todd W. Robinson
23 United States District Judge
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