

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

GEOFFREY H. ANDERSON,

Plaintiff,

v.

Case No: 5:15-cv-26-Oc-30PRL

JOHN MOORE, CHARLES W.  
RUSSELL, JOHN FLYNN, ANDY  
AULD, SCOTT PENVOSE and CITY OF  
GROVELAND

Defendants.

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**ORDER**


Before the Court are two motions. (Docs. 139 & 140). The first is *pro se* Plaintiff's motion to appoint counsel for his appeal. (Doc. 139). This case was closed earlier this year (Docs. 123, 130), and Plaintiff then filed his notice of appeal. (Doc. 126). As the case here is on appeal, this motion is moot and **denied** accordingly. *See Douglas v. United States*, No. 5:12-cv-379, Doc. 67, p. 2 (M.D. Fla. May, 30 2014) (denying as moot a post-judgment motion to appoint counsel on appeal); *Shabazz v. Barrow*, No. CIV 7:05-CV-46(HL), 2008 WL 2323776, at \*2 (M.D. Ga. June 2, 2008) (leaving "to the discretion of the Eleventh Circuit the issue of whether [the plaintiff] should have the benefit of appointed counsel on appeal"). Plaintiff could file his request for the appointment of counsel with the Court of Appeals for consideration.

Also before the Court is Plaintiff's motion for transcripts. (Doc. 140). Specifically, Plaintiff requests that the Court pay for the transcription of the audio file of his May 16, 2016 hearing, see (Docs. 93, 94). Under 28 U.S.C. § 753(f), "[f]ees for transcripts furnished in [proceedings other than criminal and habeas corpus cases] to persons permitted to appeal *in forma*

*pauperis* shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” Here, Plaintiff is entitled to proceed on appeal *in forma pauperis* (Doc. 138) and is thus also entitled to have the transcript fees paid by the United States under § 753(f).

Thus Plaintiff’s motion for transcripts (Doc. 140) is **granted**. The clerk is **DIRECTED** to order the transcription of the May 16, 2016 hearing **AND DELIVER** of copy of those transcripts to Plaintiff.

**ORDERED** in Ocala, Florida on December 12, 2016.

  
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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties