

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

SAM PEARSON
Plaintiff,

vs.

3:06cv175/RS/MD

TRAVIS GREEN,
Defendant.

ORDER and
REPORT AND RECOMMENDATION

This case is before the court upon plaintiff's "writ of mandamus," (doc. 1), and motion to proceed *in forma pauperis* (doc. 2). Leave to so proceed shall be granted for the purpose of this recommendation.

Plaintiff seeks an order compelling the defendant Travis Green, who is the Court Administrator in Pensacola, to "provide copy of clerk's file for costs." He does not state which clerk's file he seeks to copy, although the court presumes that it is one of several cases that he has initiated in this court. Plaintiff contends that the defendant took parts of the file and "refused to return for observation or to make copies," and plaintiff maintains that he needs "those parts of file for evidence purposes in all state and federal cases pending." Plaintiff is advised that any portions of the file that are public record are available on the court's electronic docketing system.¹ Parties or other individuals may view those records in person on computers available to the general public outside the Clerk's

¹Papers created by court employees for the court's own internal use are not public records.

office. Copies of such documents, including documents originally filed by hard copy, may be made at a cost of \$.10 per page.

Three elements must exist before mandamus is appropriate: (1) plaintiff must have a clear right to the relief, (2) defendant must have a clear duty to act, and (3) no other adequate remedy must be available. See *Sheehan v. Army and Air Force Exchange Service*, 619 F.2d 1132 (5th Cir. 1980). In this case, plaintiff does not have a clear right to the relief requested. As noted above, all documents that are public records are available for viewing via computers outside the clerk's office. And, regardless of plaintiff's status as a pauper in any case, he is not entitled to free copies of the court files in his civil cases.

Accordingly, it is ORDERED:

Plaintiff's motion to proceed *in forma pauperis* (doc. 2) be GRANTED.

And it is respectfully RECOMMENDED:

Plaintiff's request for a writ of mandamus (doc. 1) be DENIED.

At Pensacola, Florida, this 28th day of April, 2006.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**

NOTICE TO THE PARTIES

Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy hereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of any objections shall be served upon any other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; *United States v. Roberts*, 858 F.2d 698, 701 (11th Cir. 1988).