Jackson v. Stevens Doc. 134

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

TONY JACKSON, :

Plaintiff,

v. : Civil Action No. 5:07-CV-136 (HL)

:

BRENDA STEVENS,

:

Defendant.

ORDER

This case is before the Court on Plaintiff's Motion for Court to Pay for Transcript (Doc. 133). Plaintiff has appealed a jury verdict in favor of Defendant to the Eleventh Circuit Court of Appeals, and now requests a copy of the transcript from the trial free of charge.

28 U.S.C. § 753(f) governs payment of fees to court reporters and provides as follows:

Fees for transcripts furnished in other proceedings 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).

28 U.S.C.A. § 753(f) (West 1983).

In order for Defendant to have the fees for his transcript paid for by the United States, the trial judge or a circuit judge must certify that the appeal is not frivolous, but instead presents a substantial question. The Court cannot certify that the appeal

is not frivolous. While Plaintiff likely disagrees with the jury's decision, the Court is not aware of, and Plaintiff has not directed the Court to, any non-frivolous legal issues to raise on appeal.

Plaintiff has failed to satisfy the criteria for having the United States pay the fee for the transcript. Accordingly, Plaintiff's Motion for Court to Pay for Transcript (Doc. 133) is denied.

SO ORDERED, this the 26th day of August, 2010.

<u>s/ Hugh Lawson</u> HUGH LAWSON, SENIOR JUDGE

mbh