

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

DAMON YOUNG,

Plaintiff,

v.

CV 613-032

Commissioner BRIAN OWENS;
ARNOLD SMITH, Director; Chaplin
Director DANNY HORNE; Warden
BRUCE CHATMAN; Chaplin VALIANT
LYTE; Deputy Warden JOHN
PAUL; D.O.C. CENTRAL OFFICE
ADMINISTRATION; RANDY TILLMAN,
Facilities Operation Director;
JOHNNY SIKES, Facilities
Operation Deputy Director; JACK
KOON, Administration Support
Svcs.; TOM MCELHENNEY,
Offender Administration Manager;
JACKIE L. KELSEY, Offender
Administration Asst. Manager;
SUZANNE YORK, Center
Referral Coordinator,

Defendants.

ORDER

Pending before the Court is a motion filed by Kenneth Cobb, a state prisoner not a party to this action, requesting copies of the entire record for this case and challenging the fees for those records. (Doc. 107.) Mr. Cobb's motion is hereby **GRANTED IN PART** and **DENIED IN PART**.

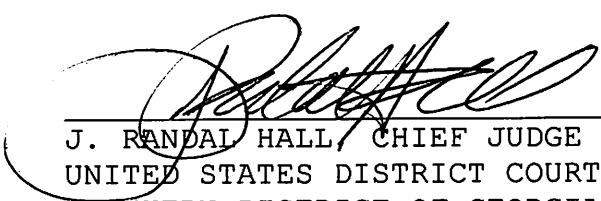
Mr. Cobb is required to pay the copying costs for the case records he seeks at \$0.50 per page for a total of \$255.50 before

the records will be provided to him. Mr. Cobb contends that the Georgia Open Records Act ("GORA") sets a limit of \$0.10 per page for copies and does not require advanced payment for fees totaling less than \$500.00. See O.C.G.A. §§ 50-18-71(c), (d). The GORA, however, is inapplicable to this Court, which is a branch of the federal government, not the State of Georgia.

The GORA requires an "agency" to not impose copying fees of more than \$0.10 per page. O.C.G.A. § 50-18-71(c). "Agency" is defined to include state departments, councils, agencies, and commissions, as well as counties, municipal governments, cities, school districts, and other political subdivisions of the State of Georgia. O.C.G.A. §§ 50-18-70(b)(1), 50-14-1(a)(1). Noticeably absent from the definition are federal courts operating within the State. Therefore, the GORA does not apply here.

Accordingly, the Court **GRANTS** Mr. Cobb's request for case records but **DENIES** his request to not tender advanced payment. To obtain the records, Mr. Cobb must tender advanced payment at the standard rate of \$0.50 per page.

ORDER ENTERED at Augusta, Georgia, this 22nd day of October, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA