IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

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)) No. 10 C 6966
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OPINION AND ORDER

Plaintiff Jaleh Banaei 's case went to trial on the single claim that she was subjected to an unreasonable search while at the Evanston police station.

Plaintiff claimed that defendant police officers Timothy Messing and Rebecca

Niziolek subjected her to an unreasonable search when they required that plaintiff remove her sweater, exposing plaintiff's sheer undergarment that was worn over a bra. This was done in an open area of the police station with Messing watching and included Niziolek patting down plaintiff in the crotch area. Plaintiff was represented by counsel at trial and the jury returned a verdict finding against

At the beginning of the case, plaintiff was granted leave to proceed *in forma* pauperis and that status continues on appeal absent this court certifying that the appeal is not in good faith or frivolous. See Fed. R. App. P. 24(a)(3). Plaintiff has provided an updated financial affidavit supporting that she continues to meet the financial requirements for such status and this court has not certified that she should not be permitted to continue to proceed *in forma pauperis*.

Presently pending is plaintiff's renewed motion to be provided with transcripts of the trial without cost. To be entitled to such transcripts at the expense of the United States government, it must be certified that the appeal is not frivolous (that is, it presents a substantial question) and it must be shown that there is a particular need for the transcripts. 28 U.S.C. § 753(f); *Westbrook v. Boy Scouts of Am.*, 2013 WL 2936488 *4 (N.D. Ill. June 14, 2013), *aff'd by unpublished order*, 560 F. App'x 574 (7th Cir. 2014).

Plaintiff's motion does not make clear what issue or issues she intends to raise on appeal. It appears that she contends that, as a matter of law, being required to strip down to see-through lingerie and then being patted down, over her pants, in the area of her buttocks and vagina is an unreasonable search.

Defendants did not deny at trial that such an event occurred. There is no

indication that defendants would deny such facts are supported by the trial record.

On appeal, plaintiff can provide a summary of the trial evidence in her opening

brief. See Fed. R. App. P. 28(a)(6); Seventh Circuit Practitioner's Handbook at

120 (available on the Seventh Circuit website

http://www.ca7.uscourts.gov/Rules/handbook.pdf). If defendants disagree with

plaintiff's factual presentation of trial testimony, then perhaps there would be a

need for transcripts. Presently, plaintiff has not shown that she will raise an issue

on appeal that will require a transcript of the trial. The motion for free transcripts

will be denied.

IT IS THEREFORE ORDERED that plaintiff's motion to have free

transcripts on appeal [150] is denied.

ENTER:

UNITED'STATES DISTRICT JUDGE

apelesie T. Hart

DATED: NOVEMBER 24, 2014