

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PETER POOLE III,)	
)	
Plaintiff,)	
)	CIVIL NO. 09-1070-GPM
vs.)	
)	APPEAL NO. 11-2903
DEBBIE ISAACS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff has been granted leave to proceed *in forma pauperis* on appeal. He now seeks preparation of the transcript at no charge for purposes of his appeal. He also seeks appointment of counsel.

Relating to the transcript request, the relevant statute provides, in pertinent part, that “[f]ees for transcripts furnished in [non-criminal, non-habeas corpus, and non-section 2255] proceedings to persons permitted to appeal in forma pauperis shall ... 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. § 753(f). Thus, a court must determine that the appeal presents a “substantial question” before allowing a transcript to be provided at no charge. *Handley v. Union Carbide Corp.*, 622 F. Supp. 1065, 1067 (S.D. W.Va. 1985). A “substantial question” within the meaning of 28 U.S.C. § 753(f) is one that is “reasonably debatable.” *Ortiz v. Greyhound Corp.*, 192 F. Supp. 903, 905 (D. Md. 1959).

Plaintiff provides no specifics in his papers other than to disagree the Court’s conclusion that

violation of state law does not, in this instance, rise to a constitutional violation. Because Plaintiff has not shown that the Court's disposition of the case is reasonably debatable, his request for provision of the transcript at no charge is **DENIED**. Plaintiff shall return to the Clerk of Court the form Seventh Circuit Transcript Information Sheet that was sent to him on August 19, 2011 (*see* Doc. 76), whether or not he intends to order the transcript.

With respect to his request for appointment of counsel, Plaintiff makes no showing that he has made any effort to obtain counsel on his own or been effectively precluded from doing so. *See generally Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007) (en banc). Therefore, this request is **DENIED** without prejudice to making a sufficient request in the United States Court of Appeals for the Seventh Circuit.

IT IS SO ORDERED.

DATED: 10/17/11

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge