

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

DAVID CLARKE,

Plaintiff,

vs.

No. 13-0342-DRH

UNITED STATES OF AMERICA,

Defendant.

ORDER

HERNDON, Chief Judge:

Pending before the Court is Clarke's motion for copies of his court transcripts (Doc. 5). Based on the following, the Court denies at this time the motion.

In order to obtain documents free of charge Clarke must demonstrate: (1) that he has exhausted *all* means of access to his files (*i.e.* through his trial and appellate counsel), (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar required in 28 U.S.C. § 1915(a)(2) which includes a certified copy of the prisoner's account for the previous six-month period prior to filing), and (3) that the documents requested are necessary for the preparation of some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459

(7th Cir. 1977). These minimal requirements do not impose any substantial burden to financially unable prisoners who desire their records be sent to them at government expense.

Here, defendant's letter/motion is clearly insufficient. While the Court is satisfied that Clarke is indigent, his motion is silent as to whether he has exhausted his other sources – his previous attorneys - for obtaining the court documents he seeks. Accordingly, the Court **DENIES as this time** Clarke's motion for copies of transcripts (Doc. 5).

IT IS SO ORDERED.

Signed this 13th day of May, 2013.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2013.05.13
13:29:23 -05'00'

**Chief Judge
United States District Court**