

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONDALE LEE CHAPMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 13-cv-384-JPG

Criminal No 11-cr-40031-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Rondale Lee Chapman's motion for a copy of the transcript of the February 6, 2014, hearing on his motion under 28 U.S.C. § 2255 (Doc. 41). Chapman says he needs the transcript to request a certificate of appealability from the Court of Appeals because he was not at the hearing. In fact, Chapman was present by telephone for the entire hearing and even testified as a witness.

In order to receive transcripts at Government expense, the Court must certify that Chapman is indigent, that his appeal of this case is not frivolous, and that he needs the transcript to decide the issue on appeal. *See* 28 U.S.C. § 753(f). Chapman has not supplied evidence of his indigency. Furthermore, the Court believes he does not need the transcript of the February 6, 2014, hearing to seek a certificate of appealability from the Court of Appeals because he was present for the hearing and has written orders reflecting the Court's rulings on his motion. This should be all that is necessary to request a certificate of appealability from the Court of Appeals. For these reasons, the Court **DENIES** the motion (Doc. 41) with leave to reapply should the Court of Appeals grant a certificate of appealability. Any future request for transcripts at Government expense should be accompanied by a showing of indigency, including a statement of Chapman's inmate trust fund transaction/balances for the past six months.

IT IS SO ORDERED.

DATED: September 16, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE