

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY AARON,

Plaintiff,

v.

Case No. 15-11014

Honorable Victoria A. Roberts

JACKIE DYER, *et al.*,

Defendants.

**AMENDED ORDER GRANTING PLAINTIFF'S MOTION
FOR TRANSMISSION OF RECORD [Doc. 115]**

On January 12, 2017, a jury returned a verdict in favor of Defendants, finding no cause of action. The Court entered Judgment to that effect on January 17. All post-trial motions have been resolved, and Plaintiff recently filed a notice of appeal.

This matter is before the Court on Plaintiff's motion for transmission of the trial record/transcript. [Doc. 115]. Specifically, Plaintiff seeks a copy of the transcript for jury selection proceedings/*voir dire* and for the final pretrial conference held on the record on December 15, 2016.

The issues Plaintiff raises on appeal are not frivolous, and his appeal is taken in good faith. See *Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002) ("good faith" requires showing that the issues are arguable on the merits and not frivolous; it does not require a showing of probable success on the merits).

The jury selection proceedings are at the heart of Plaintiff's appeal, and the transcript of those proceedings is necessary for resolution of Plaintiff's appeal. Plaintiff, however, cannot afford to order the jury selection transcript.

Because the transcript of jury selection proceedings and the pretrial conference is necessary to decide the issues on appeal, and Plaintiff's appeal is taken in good faith and is not frivolous, the Court **GRANTS** Plaintiff's motion for transmission of the record [Doc. 115] and **ORDERS** that the transcript be furnished at the government's expense.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 24, 2017