

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

PAUL GRAHAME MORGAN

PLAINTIFF

VS.

CIVIL ACTION NO. 2:07cv15-MTP

STATE OF MISSISSIPPI, *et al.*

DEFENDANTS

ORDER

THIS MATTER is before the court on the Motion for Extension of Time [293] and the Motion for All Transcripts [294] filed by Plaintiff. Having considered the motions and the applicable law, the court finds that the Motion for Extension of Time [293] should be granted and the Motion for All Transcripts [294] should be denied.

In his Motion for Extension of Time [293], Plaintiff seeks an unspecified extension of time to file his motion for *in forma pauperis* (“IFP”) application on appeal. In support of his motion, Plaintiff claims he is in the infirmary due to a broken hip and has no access to the Inmate Legal Assistance Program. Based on the circumstances, the court finds that Plaintiff is entitled to an extension of time. However, the court notes that the IFP application is a form pleading that requires less time and legal assistance than the instant motion filed by Plaintiff. *See* IFP Form Motion attached to Order [291].

In his Motion for All Transcripts [294], Plaintiff requests a copy of the transcripts from his trial, pretrial conference, and bench opinion to be used in connection with his appeal, presumably at the government’s expense. An indigent prisoner does not have a constitutional right to free copies of transcripts of court proceedings in order search for possible defects. *See* *United States v. Herrera*, 474 F.2d 1049, 1049 (1973); *Wright v. Curry*, 122 Fed. Appx. 724, No. 04-10304, 2004 WL 2977437, at *1 (5th Cir. Dec. 17, 1994). Plaintiff has failed to specify any particular need for his transcripts to prosecute his appeal, nor has he presented a substantial

question for disposition; accordingly, the motion must be denied to the extent that free transcripts are requested. *See* 28 U.S.C. § 753(f); *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985). However, Plaintiff may order a copy of any transcript he desires by contacting the court reporter in writing and tendering payment of the appropriate costs.

IT IS, THEREFORE, ORDERED:

1. That Plaintiff's Motion for Extension of Time [293] is GRANTED. Plaintiff is granted an extension of time until February 8, 2010 to file his motion for IFP application on appeal.
2. That Plaintiff's Motion for All Transcripts [294] at government expense is DENIED.

SO ORDERED this the 6th day of January, 2010.

s/ Michael T. Parker

United States Magistrate Judge