

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

TOMMY WHITE

PLAINTIFF

VS.

CIVIL ACTION NO. 2:07cv305-MTP

RONALD KING, et al.

DEFENDANTS

ORDER

THIS MATTER is before the court on the letter filed by Plaintiff, which the court liberally construes as a motion for a copy of his trial transcript at government expense [73]. Having considered the motion and the applicable law, the court finds that the motion should be denied.

In his motion [73], Plaintiff requests a free copy of the transcript from his trial that took place on March 11, 2009, to be used in connection with his appeal. *See* Notice of Appeal [71]. 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 a trial transcript to prosecute his appeal, nor has he presented a substantial question for disposition; accordingly, the motion must be denied. *See* 28 U.S.C. § 753(f); *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985).

IT IS, THEREFORE, ORDERED that Plaintiff's motion for a free copy of his trial transcript [73] is DENIED.

SO ORDERED this the 31st day of March, 2009.

s/ Michael T. Parker

United States Magistrate Judge