

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

EARL LEWIS ANDERSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:03CV903-WHB-AGN

WILLIE MARCH, ET AL.

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on Plaintiff Anderson's Motion for Transcripts at Government Expense. Having considered the Motion, the Court finds that it is not well taken and should be denied.

As indicated by the title of the subject Motion, Anderson seeks transcripts of various proceedings in this cause at government expense. In Norton v. E. U. Dimazana, M.D., 122 F.3d 286 (5th Cir. 1997), the Fifth Circuit set forth the prerequisites that must be met before the government is required to bear the expense of a transcript fee on appeal. The court stated:

"Fees for transcripts furnished ... to persons permitted to appeal in forma pauperis shall ... be paid by the United States if ... a circuit judge certifies that the appeal is not frivolous (but presents a substantial question)." 28 U.S.C. § 753(f). In order to succeed on a motion for production of transcripts at government expense, a party must also show why the transcripts are necessary for proper disposition of his appeal. Harvey v. Andrist, 754 F.2d 569, 571 (5th Cir.), cert. denied, 471 U.S. 1126, 105 S.Ct. 2659, 86 L.Ed.2d 276 (1985).

Id. at 293.

In the subject case, Anderson asserts only broad allegations to the effect that he cannot prosecute his appeal without the transcripts. He provides no specifics as to the need for them. Because Anderson has failed to specifically show how the transcripts would be necessary for proper disposition of his appeal, the subject Motion must be denied.

IT IS THEREFORE ORDERED that Plaintiff Anderson's Motion for Transcripts at Government Expense (docket entry no. 112) is hereby denied.

SO ORDERED this the 3rd day of February, 2006.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

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