

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

CORNELIUS TAYLOR

PLAINTIFF

VS.

**CIVIL ACTION NO. 3:04CV520S
APPEAL NO. 06-60397**

**CMCF 720 CLINIC, MISSISSIPPI
DEPARTMENT OF CORRECTIONS,
CHRISTOPHER EPPS, LAWRENCE
KELLY and GLORIA PERRY**

DEFENDANTS

ORDER

This matter came before the court on a review of the docket, which revealed that the Plaintiff filed a Motion for Transcript and Other Pleadings on June 16, 2006, which remains pending. Magistrate Judge Alfred G. Nicols, Jr. was originally assigned to this matter; however, he retired from this court on February 17, 2006. This case was not reassigned to another Magistrate, probably because it appeared that all proceedings before this court were completed with the Plaintiff's appeal to the Fifth Circuit. In an earlier Order, issued on December 5, 2005, Judge Nicols had ordered that the only evidence of testimony that exists in this case -- the recording of the Omnibus Hearing -- be transcribed and included in the record on appeal. Apparently, the court inadvertently failed to forward that Order to the court reporter who recorded that hearing.

This case has now been assigned to the undersigned United States Magistrate Judge to complete the remaining tasks over which this court has jurisdiction. As the Plaintiff has appealed his case, this court's jurisdiction is limited to acts that will "aid the appeal, correct clerical errors, or enforce its judgment so long as the judgment has not been stayed or superseded." *Ross v. Marshall*,

PSP-6
Appeal

426 F. 3d 745, 751 (5th Cir. 2005). In the interests of assisting the Plaintiff in his appeal, however, the undersigned has recently granted him *in forma pauperis* status and will also grant this Motion for Transcript. A copy of this Order will be mailed to the court reporter who recorded the Plaintiff's Omnibus Hearing.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Transcript and Other Pleadings is hereby **granted**, as follows:

1. The court reporter shall transcribe the Omnibus Hearing that occurred on May 13, 2005, and deliver a copy of that transcription to the Clerk of this Court. The costs of this transcription shall be paid by the court, in accordance with Judge Nicols's December 5, 2005, Order.
2. The Clerk shall transmit the transcript, as well as the remaining record of this action, to the Clerk of the United States Court of Appeals for the Fifth Circuit, for the purposes of the Plaintiff's appeal in Cause No. 06-60397.

IT IS SO ORDERED, this the 4th day of October, 2006.

s/James C. Sumner
UNITED STATES MAGISTRATE JUDGE