

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN VAN ORDEN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:09CV00971 AGF
	)	
MARK STRINGER, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs’ Motion for Preparation of Transcripts at No Cost (ECF No. 816). Plaintiffs request that transcripts of the proceedings on April 15, 2015; April 21, 2015; April 22, 2015; April 23, 2015; April 24, 2015; April 27, 2015; April 28, 2015; April 29, 2015; April 30, 2015; May 25, 2016; and October 20, 2016, be prepared for the appeal in this case, at the cost of the United States.<sup>1</sup> The statute relied upon by Plaintiffs, 28 U.S.C. § 753(f), provides, in pertinent part, that “[f]ees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” Thus, “[a] plaintiff in a civil proceeding may obtain a transcript at government expense under 28 U.S.C. § 753(f) if: (1) he is permitted to proceed in forma pauperis; (2) moves for a transcript; and (3) demonstrates that

---

<sup>1</sup> The motion also requests a transcript of the proceedings on June 23, 2017, but the Court notes that such a transcript has already been prepared. *See* ECF No. 793.

the appeal ‘is not frivolous (but presents a substantial question).’” *Garner v. Johnson*, 12 F. App’x 862, 864 (10th Cir. 2001).

As Plaintiffs were granted permission to proceed in forma pauperis at the beginning of this litigation, the Court will permit Plaintiffs to proceed in forma pauperis on appeal. The Court also finds that Plaintiffs have met the remaining requirements under § 753(f). Specifically, the Court certifies that this appeal is not frivolous but presents a substantial question.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs shall be permitted to proceed in forma pauperis on appeal.

**IT IS FURTHER ORDERED** that Plaintiffs’ Motion for Preparation of Transcripts at No Cost is **GRANTED**. ECF No. 816. Transcripts for the proceedings on April 15, 2015; April 21, 2015; April 22, 2015; April 23, 2015; April 24, 2015; April 27, 2015; April 28, 2015; April 29, 2015; April 30, 2015; May 25, 2016; and October 20, 2016, shall be prepared for the appeal at the cost of the United States.

  
\_\_\_\_\_  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 4th day of October, 2017.