

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TELESFORO ALVARADO,

Petitioner,

vs.

BRAD HANSEN, Warden et. al.;

Respondent.

8:17CV283

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Status Report on Request for Assembling of Record. ([Filing No. 46.](#)) On October 11, 2018, Petitioner filed a request asking the clerk of court to assemble the record for his appeal and forward the record to Petitioner and the Eighth Circuit Court of Appeals. Here, Petitioner inquires as to whether his request for assembly of the record has been granted and whether the Eighth Circuit has received the assembled record.

The court takes this opportunity to inform Petitioner that the entire record in this case will be available to the Eighth Circuit Court of Appeals for review on appeal. (See [Filing No. 43.](#)) Rule 30A(a)(2) of the [Eighth Circuit Local Rules](#) provides that

In all pro se appeals, the entire district court record is available for review. If the record is available in electronic format, the court will review the electronic version of the record. At the time a pro se notice of appeal is filed, the clerk of the district court must transmit to the clerk of this court the originals or paper copies of those portions of the original record which are not available through PACER, such as documentary exhibits, administrative records and state court files.

All documents and exhibits submitted by the parties in this case are contained within the court record and are available in electronic format for review by the Court of Appeals. Thus, it was not necessary for Petitioner to request that copies of the exhibits and court records be provided to the Court of Appeals. The clerk of court has forwarded Petitioner's request for the assembling of the record ([filing no. 44](#)) to the Court of Appeals so the Court of Appeals has been made aware of the materials Petitioner wishes to be considered on appeal.¹ (See [Filing No. 45.](#)) Accordingly,

IT IS ORDERED that Petitioner's Motion for Status Report on Request for Assembling of Record ([filing no. 46](#)) is granted to the extent consistent with this Memorandum and Order.

Dated this 15th day of November, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge

¹ To the extent Petitioner requested materials to be included in the record on appeal that were not previously filed and made part of the record in this court, such materials are not part of the record on appeal. See [Eighth Circuit Rule 30A\(a\)\(2\)](#) ("In all pro se appeals, the entire *district court record* is available for review." (emphasis added)).