

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT EARL CLAYBORNE JR.,

Plaintiff,

vs.

PARKER, Officer, #1577, Individual
Capacity; JAMES, Sgt, #1370,
Individual Capacity; CHAD HEIN,
Officer, #1552, Individual Capacity;
RIPLEY, Officer, #1256, Individual
Capacity; MESSERSMITH, Officer,
#1568, Individual Capacity;
KOUNOVSKY, Officer, #1593,
Individual Capacity; and
SUNDERMEIER, Captain, #717,
Individual Capacity;

Defendants.

8:17CV481

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's "Motion for Order of Designation of Record on Appeal." ([Filing No. 47.](#)) Plaintiff asks the court to "issue an order designating the record on appeal pursuant to Federal Rules of Appellate Procedure, Rule 10(b)(1)" and identifies specific documents that should be included. (*Id.*)

The court takes this opportunity to inform Plaintiff that the entire record in this case will be available to the Eighth Circuit Court of Appeals for review on appeal. 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 Plaintiff to request that copies of the exhibits and court records be provided to the Court of Appeals. Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Order of Designation of Record on Appeal" ([filing no. 47](#)) is granted to the extent consistent with this Memorandum and Order.

Dated this 1st day of July, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge