

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Regan T. James,)
)
Plaintiff,)

C/A No. 3:17-cv-491-MBS-PJG

v.)

OPINION AND ORDER

Stephen Benjamin, *in his official and*)
individual capacities; Daniel Hood, *in his*)
official and individual capacities; Jeffery)
Kraft, *in his official and individual capacities*;)
Robert Webb, *in his official and individual*)
capacities; John Doe 1, *in his official and*)
individual capacities; John Doe 2, *in his*)
official and individual capacities; John Doe 3,)
in his official and individual capacities; John)
Doe 4, *in his official and individual capacities*;)
John Doe 5, *in his official and individual*)
capacities; John Doe 6, *in his official and*)
individual capacities; G.M. Gates, *in his*)
official and individual capacities; Rafael)
Rodriguez, *in his official and individual*)
capacities; Rueben Santiago, *in his official and*)
individual capacities; Melron Kelly, *in his*)
official and individual capacities; Skip)
Holbrook, *in his official and individual*)
capacities; W. Mike Hemlepp, Jr., *in his*)
official and individual capacities; Teresa)
Wilson, *in her official and individual*)
capacities; City of Columbia, South Carolina;)
Walmart Corporation, Private Entity; David)
Fultz, *in his official and individual capacities*;)
Jimmy Sherman, *in his official and individual*)
capacities; E.L. Sutton; Robert Allman; Jarod)
D. Glover,)
)
Defendants.)

_____)

I. RELEVANT FACTS AND PROCEDURAL HISTORY

This civil rights action was brought by Regan James (“Plaintiff”) pursuant to 42 U.S.C. §§ 1981, 1983, and 1985. The court granted summary judgment in favor of Defendants on March 6, 2020. ECF No. 457. Plaintiff appealed the court’s decision to the Court of Appeals for the Fourth Circuit on May 4, 2020. ECF No. 460.

This matter is before the court on a motion for an order directing the preparation of transcripts at the government’s expense, filed by Plaintiff on June 23, 2020. ECF No. 465. Plaintiff asserts that in order to prepare briefing for the Fourth Circuit, he needs the court reporter to transcribe recorded conversations Plaintiff had with law enforcement officials. Id. Plaintiff previously submitted recordings of these conversations into evidence via USB thumb drive. Id.

As a general rule, a party requesting transcripts prepared at the government’s expense must present “evidence of a particularized need for the records he [or she] requests.” United States v. Farmer, No. 7:98-CR-0033, 2005 WL 8157454, at *1 (W.D. Va. Apr. 8, 2005).

“Particularized need” is defined as “a showing that the suit for which the transcript is desired is not frivolous and that the transcript is necessary to decide the issues presented.” United States v. Spivey, No. 4:01-CR-00786-CWH-1, 2013 WL 2490760, at *2 (D.S.C. June 10, 2013)(citing United States v. MacCollom, 426 U.S. 317, 323–30 (1976))(emphasis added). Here, Plaintiff states he possesses the recordings he requests transcribed on USB thumb drives, and that he “cites these recordings” in briefing he submitted to the Fourth Circuit. ECF No. 465 at 5. Plaintiff then states that the recordings “will need to be transcribed for the Circuit Court to decide Plaintiff’s appeal.” Id. at 6 (errors in original). Plaintiff simply asserts that the Fourth Circuit will need transcripts to decide his appeal, but does not elaborate on this contention. Should Plaintiff be concerned that the Fourth Circuit is unable to evaluate his recordings, the

court notes that the aforementioned USB thumb drives were mailed to the Fourth Circuit on June 26, 2020 for its consideration. ECF No. 466. Furthermore, Plaintiff has cited these recordings in briefings without transcripts, indicating that he is able to cite the recordings without the aid of transcripts. Plaintiff has not shown particularized need for transcripts.

Accordingly, Plaintiff's motion for an order directing the preparation of transcripts at the government's expense, ECF No. 465, is **DENIED**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Margaret B. Seymour
Senior United States District Judge

Dated: July 6, 2020
Columbia, South Carolina