

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

Devin Jamaal Kershaw, #285275,)	
)	Cr. No.5:11-0306
Petitioner,)	
vs.)	
)	
Anthony J. Padula, Warden of Lee C.I.,)	
)	
Respondent.)	
_____)	

ORDER

Petitioner Devin Jamaal Kershaw is an inmate in custody of the South Carolina Department of Corrections. On February 28, 2011 Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent Anthony J. Padula filed a motion for summary judgment on June 24, 2011, which motion was granted except as to one issue on June 27, 2012. The court held an evidentiary hearing on July 31, 2012, and granted Respondent’s motion for summary judgment in full by order filed August 9, 2012. Petitioner appealed the court’s order on September 10, 2012. The appeal was dismissed by the Court of Appeals for the Fourth Circuit on January 24, 2013.

This matter now is before the court on Petitioner’s motion for copies at no charge of documents, transcripts, reports, and other material, which motion was filed on May 10, 2013 (ECF No. 99). Respondent filed a response in opposition to Petitioner’s motion on May 28, 2013. The motion appears to seek information in the possession, custody, or control of Tara D. Shurling, counsel for Petitioner, and Brendon McDonald of the South Carolina Attorney General’s Office. To the extent that Petitioner may seek copies of documents from the court at no charge, an indigent defendant may be provided court documents at government expense only upon a showing by the litigant of a particularized need for the documents. United States v. Heflin, 907 F.2d 1140, 1990 WL 86396, *1 (4th Cir. June 19, 1990) (unpublished) (citing Jones v. Superintendent, 460 F.2d 150, 152-

53 (4th Cir. 1972)). An indigent is not entitled to free copies “merely to comb the record in hope of discovering some flaw.” Id. (quoting United States v. Glass, 317 F.2d 200, 2002 (4th Cir. 1963)). In forma pauperis status applies to the filing fee only and does not extend to other litigation costs. Badman v. Stark, 139 F.R.D. 601, 603-04 (M.D. Pa. 1991).

Petitioner has shown no particularized need for the documents he seeks. Petitioner’s motion is **denied**.

IT IS SO ORDERED.

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

Columbia, South Carolina

June 6, 2013