

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROGER ALLEN COSE,

Plaintiff,

v.

MARY GORSKE, et al.

Defendants.

ORDER

14-cv-540-jdp

App. Nos. 18-1550 and 18-1810

In an order entered in this case on April 20, 2018, I granted plaintiff Roger Allen Cose's request for leave to proceed *in forma pauperis* on appeal and assessed him an initial partial appeal fee of \$22.22. On May 4, 2018, Cose paid the entire \$505 appellate fee.

Now Cose has filed a letter stating that I did not address his request for free transcripts in his motion for leave to proceed *in forma pauperis* on appeal. I will address this request now. In his motion, Cose asks for preparation of the transcript of the telephone preliminary pretrial conference conducted by United States Magistrate Judge Stephen Crocker on March 4, 2016. I construe this request as a motion for a proceeding transcription at government expense pursuant to 28 U.S.C. § 753(f). Cose's request will be denied without prejudice.

Under 28 U.S.C. § 753(f), a party proceeding *in forma pauperis* is entitled to a free transcript only after the "trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal." Cose has not explained how the transcript of the preliminary pretrial conference is relevant to the issues he intends to raise on appeal. I do not intend to ask the government to pay the costs of transcribing the preliminary pretrial conference unless it appears clear that Cose intends to mount a potentially meritorious challenge to something that occurred during that particular

proceeding.

Accordingly, IT IS ORDERED that Cose's motion for transcription of the preliminary pretrial conference at government expense pursuant to 28 U.S.C. § 753(f) is DENIED without prejudice to Cose's renewing his motion accompanied by a statement explaining how the transcript is relevant to the issues he intends to raise on appeal.

Entered May 15, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge