

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

LARRY J. BROWN,

Plaintiff,

v.

ORDER

20-cv-337-wmc

DOUG BELLILE, DANIEL,
KATTENBRAKER, LAURA
THOMAS, LISA POUILLIE,
SARAH DONOVAN, JOSEPH
SCHMELZLE, and DANIEL
PARK,

Defendants.

On September 21, 2022, plaintiff Larry J. Brown filed a notice of appeal from the court's September 13, 2022, judgment in favor of defendants. (Dkt. #95.) Brown now requests leave to proceed *in forma pauperis* on appeal and has submitted a request for transcripts.¹ (Dkt. #99, 102.)

On October 11, 2022, the court entered an order giving Brown until November 2, 2022, to submit a certified resident account statement or to pay the \$505 appellate docketing fee. (Dkt. #103.) Brown was warned that his appeal may be dismissed if he failed to comply. Brown has not submitted the required account statement or otherwise responded to the court's order. Accordingly, the court will deny Brown's request for leave to proceed *in forma pauperis* on appeal for his failure to show that he is entitled to indigent status on appeal.

As for Brown's transcript request, he did not submit payment to the court reporter,

¹ Brown indicates on his transcript request form that he would like "the entire transcripts in this case/civil docket." (Dkt. #99.) The court presumes he means a transcript of the June 17, 2022, videoconference, which is the only hearing held in this case.

so the court will construe the request as including a motion under 28 U.S.C. § 753(f) to prepare transcripts at government expense. Under that provision, 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.” But Brown has not identified the grounds for his appeal, so the court cannot make that determination. (See dkt. ##95, 99.) And as noted, Brown failed to respond to the court’s prior order requesting his account statement or the docketing fee, leaving the court unable to determine that Brown can proceed *in forma pauperis* on appeal. The court will deny Brown’s request for a transcript at government expense without prejudice.

ORDER

IT IS ORDERED that:

- 1) Plaintiff Larry J. Brown’s request for leave to proceed *in forma pauperis* on appeal (dkt. #102) is DENIED for his failure to show that he is entitled to indigent status on appeal.
- 2) Plaintiff’s transcript request (dkt. #99) is DENIED without prejudice.

Entered this 28th day of November, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge