IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

05-CR-0039-C
03-CR-0109-C

v.

ANDRE R. LASIEUR,

Defendant.

- -

Defendant has filed a motion for release of information (sentencing transcripts) and petition and affidavit for leave to proceed in forma pauperis, requesting a copy of his sentencing transcripts in 03-CR-109-C and 05-CR-0039-C at government expense. Defendant states that he wishes to use the transcripts to pursue "his immediate appeal of his two prior convictions" in these two cases. I construe the motion as a request for preparation of the transcripts at government expense, pursuant to 28 U.S.C. §753(f), which provides in relevant part:

> Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States . . . if 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.

Defendant has not said what aspect of his conviction he wishes to challenge or explained how the transcripts and documents are necessary to decide the issue. Without this information, I cannot certify either that his motion would not be frivolous or that the transcripts are necessary. Therefore, his request for preparation of the transcripts at government expense will be denied without prejudice.

If defendant wishes, he may obtain a copy of the transcripts at his own expense by writing directly to the Court Reporters Office, United States District Court, 120 N. Henry Street, Madison, WI, 53703, (608) 255-3821.

ORDER

IT IS ORDERED that defendant's motion for preparation of transcripts at government expense pursuant to 28 U.S.C. §753(f) is DENIED without prejudice.

Entered this 9th day of June, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge