

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

JONATHON H. BEDFORD,

Plaintiff,

v.

NEIGHBORHOOD CONNECTIONS,

Defendant.

ORDER

04-C-0978-C

Plaintiff has filed a “Motion Re Hearing on Matter of Altering Complaint #200300987 by Plaintiff Jonathon H. Bedford” and a “Motion for Transcript of Hearing June 3-05.” Both motions will be denied.

Nothing in plaintiff’s motion for a rehearing persuades me that he did not commit a fraud on the court when he attached to his complaint an altered copy of a complaint he filed with the Equal Rights Division of the Wisconsin Department of Workforce Development which showed he raised more claims in the ERD proceedings than he actually did. Plaintiff remains obligated to pay defendant \$350.00 no later than July 8, 2005, to cover the costs defendant incurred in bringing the matter of plaintiff’s fraudulent filing to the court’s attention. If plaintiff does not pay this amount by July 8, this case will be

dismissed.

As for plaintiff's request for a free transcript of the June 3, 2005 hearing, 28 U.S.C. §753(f) provides,

Each reporter may charge and collect fees for transcripts requested by the parties . . . Fees for transcripts furnished in [actions such as actions brought under Title VII] to persons permitted to appeal in forma pauperis shall . . . be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

This statute authorizes judges to request the government to pay for transcripts that are necessary to permit the court of appeals to assess adequately an indigent party's arguments on appeal. Plaintiff has not filed a notice of appeal in this case, and such a notice is not proper until the proceedings in this court have ended. Even if I dismiss plaintiff's case for his failure to pay the monetary sanction he has been ordered to pay, or for some other reason, I can foresee no legally meritorious issue at this time that plaintiff will be able to raise on appeal. In the absence of a grant of leave to proceed on appeal in forma pauperis, and certification that the appeal is not legally frivolous, plaintiff does not qualify for a transcript at government expense.

ORDER

IT IS ORDERED that plaintiff's "Motion Re Hearing on Matter of Altering

Complaint #200300987 by Plaintiff Jonathon H. Bedford” and “Motion for Transcript of Hearing June 3-05” are DENIED.

Entered this 8th day of June, 2005.

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