

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

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MICHAEL MUEHL,

Plaintiff,

v.

BELINDA SCHRUBBE, MARY SLINGER,  
FRAN JENNINGS, GAIL WALTZ and  
CHARLENE REITZ,

Defendants.  
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MEMORANDUM

09-cv-16-bbc

Plaintiff Michael Muehl has been granted leave to proceed in forma pauperis on his appeal in this case. Now he has sent the court a Seventh Circuit Transcript Information Sheet, as well as a letter explaining that he has no means with which to pay for preparation of the transcript. I construe this letter as a request for preparation of the transcript at government expense pursuant to 28 U.S.C. §753(f). This court routinely grants these requests when it has already granted a party leave to proceed in forma pauperis on appeal.

However, this is not a routine case. Plaintiff submitted the transcript information form on June 7, 2010, almost two months after he filed his notice of appeal. Under Fed. R. App. P. 10(b)(1), it was plaintiff's duty to request preparation of the transcript within 14

days of his filing of the notice of appeal. The court of appeals has stated that violation of Rule 10 is grounds for forfeiture of a claim. Gramercy Mills, Inc. v. Wolens, 63 F.3d 569, 573-74 (7th Cir.1995). To the extent plaintiff's letter can be construed as a motion for an extension of time to request production of the transcript, Seventh Circuit Rule 11(c)(1) states that "[a]ll requests for extension of time for filing the record or parts thereof shall be addressed to the court of appeals." Therefore, I will forward a copy of plaintiff's submissions to the court of appeals so that it can rule on plaintiff's request for an extension of time.

Entered this 10th day of June, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge