

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

DENNIS W. GONZALEZ,

Plaintiff,

v.

JON E. LITSCHER, GERALD BERGE
and TODD T. OVERBO,

Defendants.

ORDER

01-C-521-C

On October 29, 2002, judgment was entered for defendants in this case following a bench trial. Plaintiff has now written the court to ask for a transcript of the trial. He asks that the transcript be produced at government expense because he is indigent. Plaintiff maintains that he needs the transcript in order to prepare a motion for reconsideration and an appeal.

I will deny plaintiff's request at this time. Motions to alter or amend a judgment pursuant to Fed. R. Civ. P. 59(e) must be filed no later than 10 days after entry of the judgment. As noted above, judgment was entered in this case on October 29, 2002, meaning that plaintiff's time to file a reconsideration motion is rapidly nearing an end and would certainly be expired by the time a transcript was printed and sent to him at the Wisconsin Secure Program Facility.

As for an appeal, according to Fed. R. App. P. 4(a)(1)(A), the notice of appeal required by Fed. R. App. P. 3 must be filed with the district court clerk within 30 days after the judgment or order appealed from is entered. Plaintiff still has sufficient time in which to file a notice of appeal in this court. If he chooses

to do so, he may accompany his notice of appeal with a renewed motion for a trial transcript. Because plaintiff is proceeding as a pauper in this case and it would be difficult for him to prepare an appeal without access to a transcript, I would be inclined to grant that request. However, because preparation of such a transcript is expensive, I will not order that such a step be taken until plaintiff has actually filed a notice of appeal.

IT IS ORDERED that plaintiff's request for a trial transcript is DENIED without prejudice to his renewing the motion if and when he files a notice of appeal.

Entered this 5th day of November, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge