

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

GARY B. CAMPBELL,

Plaintiff,

v.

WOOD COUNTY SHERIFF DEPUTY
TODD JOHNSON,

Defendant.

ORDER

04-C-661-C

On January 12, 2006, judgment was entered in this case following a trial in which the jury found in defendant's favor. On January 17, 2006, plaintiff filed a notice of appeal, together with a request for leave to proceed in forma pauperis on appeal. At that time, he did not ask for a copy of the trial transcript at government expense pursuant to 28 U.S.C. § 753(f). I granted plaintiff's motion for leave to proceed in forma pauperis on appeal on February 3, 2006. Ordinarily, when an indigent plaintiff is allowed to proceed on appeal after a trial, I raise the matter of the trial transcript myself. Through inadvertence, I overlooked the matter in this case. Now plaintiff has submitted a letter dated April 24, 2006, which I construe as a motion for preparation of a trial transcript at government

expense. (Because it does not appear that plaintiff sent a copy of his motion to counsel for the defendant, I am enclosing a copy of the letter to him with a copy of this order.) That request will be granted. Without access to a trial transcript, it will be extremely difficult for the court of appeals to assess adequately plaintiff's arguments on appeal.

Accordingly, IT IS ORDERED that a transcript of the proceedings in the trial of this case be prepared and furnished to the plaintiff, with the fees therefor to be paid by the United States, pursuant to 28 U.S.C. §753(f).¹

Entered this 1st day of May, 2006.

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

¹Opening and closing statements, and the jury selection process are not ordinarily included as a part of the trial transcript unless the appellant makes a showing that these aspects of the trial are subject to legally meritorious attack on appeal. Plaintiff has made no such showing in this case. Nor will the trial transcript include jury instructions, since a printed copy of the instructions already exist in the court's record.