

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEIK D. ROMERO,

Defendant.

ORDER

04-CR-0164-C-01

Defendant has filed a “Motion for Transcripts and Access to Pre-Existing Records” stating he wishes to use the transcripts and documents to challenge his conviction in a motion brought pursuant to 28 U.S.C. § 2255. 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 which transcripts he needs nor explained how the transcripts

and documents are necessary to the preparation of his § 2255 motion. Without this information, I cannot certify either that his motion would not be frivolous or that the transcripts and documents 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 and documents at government expense pursuant to 28 U.S.C. §753(f) is DENIED without prejudice.

Entered this 5th day of November, 2007.

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