

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

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CRAIG AMIN,

Plaintiff,

ORDER

v.

05-C-543-C

LOYOLA UNIVERSITY CHICAGO,

Defendant.  
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In an order entered in this case on August 7, 2006, I denied plaintiff Craig Amin's request for leave to proceed in forma pauperis on appeal from the judgment entered herein on June 30, 2006, and I certified that plaintiff's appeal was not taken in good faith. Now plaintiff has filed a document titled "Plaintiff's Transcript Order and Notice to the Clerk of the Court." In this document, plaintiff asks that the record on appeal include the transcript of the telephone preliminary pretrial conference conducted by United States Magistrate Judge Stephen Crocker on November 8, 2005, a letter he submitted to the court on June 23, 2006 and Judge Crabb's response to that letter dated the same day. I construe plaintiff's request for transcription of the telephonic preliminary pretrial conference as a request for transcription of that proceeding at government expense pursuant to 28 U.S.C. § 753(f). I

construe plaintiff's request for inclusion of his letter and the court's letter of June 23, 2006 in the record on appeal as a motion for correction or modification of the record pursuant to Fed. R. App. P. 10(e). For two reasons, plaintiff's requests will be denied without prejudice.

First, it appears that plaintiff is pursuing in the court of appeals his request for leave to proceed in forma pauperis. If the court of appeals agrees with this court's conclusion that plaintiff's appeal is not taken in good faith, and if plaintiff does not pay the filing fee, his appeal will not be heard. In that case, there will be no need to supplement the record on appeal with a transcript or with copies of the June 23 communications between plaintiff and the court. Second, and more important, plaintiff has not explained how the transcript or the letters are relevant to the issues he intends to raise on appeal. I do not intend to ask the government to pay the costs of transcribing the preliminary pretrial conference unless it appears clear that plaintiff intends to mount a potentially meritorious challenge to something that occurred during that particular proceeding.

Accordingly, IT IS ORDERED that plaintiff's motions for transcription of the preliminary pretrial conference at government expense pursuant to 28 U.S.C. § 753(f) and for correction of the record on appeal pursuant to Fed. R. App. P. 10 are DENIED without prejudice to plaintiff's renewing his motions after the court of appeals grants his request for leave to proceed in forma pauperis on appeal, if it does. Plaintiff's renewed motions must

be accompanied by a statement explaining how the transcript and letters are relevant to the issues he intends to raise on appeal.

Entered this 16th day of August, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge