

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

SHAROME ANDRE POWELL,

Plaintiff,

v.

ORDER

06-C-58-C

SERGEANT FINK, LIEUTENANT DURDIN,
CORRECTIONAL OFFICER KOPEHAMER,
CAPTAIN SEAN SALTER, JANEL NICKEL,
Security Director, GREGORY GRAMS, Warden,
and NURSE HAHNISCH,

Defendants.

This case was tried to a jury on October 2 and 3, 2006. Following a verdict in defendants' favor, judgment was entered on October 3, 2006. Subsequently, plaintiff filed a notice of appeal and in an order dated November 6, 2006, I granted plaintiff Sharome Andre Powell leave to proceed on appeal in forma pauperis. Now plaintiff has submitted a letter to the court in which he states, ". . . it just dawned on me that I [didn't] receive any of my required court transcripts, documents, docketing statement and or court deadlines." He asks that the clerk "prepare and send me these things."

I construe plaintiff's letter as motion for preparation of the trial transcript at

government expense pursuant to 28 U.S.C. §753(f), and I will grant the motion. Plaintiff is proceeding in this case pro se. Although he has not specified precisely what issues he intends to raise on appeal, I am aware from having conducted the trial in this matter that plaintiff may be seeking to object to certain rulings that I made during the course of trial. Without access to a trial transcript, it will be extremely difficult for the court of appeals to assess adequately plaintiff's arguments on appeal. Therefore, it appears to be in the interest of justice to grant plaintiff's motion.

With respect to plaintiff's request for additional documents, it is unclear what it is he wants. All of the docketed materials in the court's file have already been prepared for transmittal to the court of appeals. Plaintiff should already have a copy of all of these documents. Moreover, this court has not set additional deadlines for plaintiff to act in this case. The court of appeals' docket for plaintiff's appeal reveals that plaintiff was ordered to file a docketing statement no later than November 27, 2006, and that he has now filed that statement. Therefore, no further action need be taken with respect to plaintiff's requests for "documents, docketing statements and or court deadlines."

ORDER

IT IS ORDERED that a transcript of the proceedings in the trial of this case be prepared and furnished to plaintiff Sharome Powell, with the fees therefor to be paid by the

United States, pursuant to 28 U.S.C. §753(f).¹

Entered this 14th day of December, 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.