

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

06-CR-0227-C

v.

JAMES LOWE,

Defendant.

Defendant has written to the court asking for a copy of his sentencing transcript at government expense. He does not state why he needs the transcript but I assume he wishes to use the transcript to pursue a motion under 28 U.S.C. § 2255. I construe his letter as request for preparation of the transcript 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 what aspect of his conviction he wishes to challenge or explained how the transcript is necessary to decide the issue. Without this information, I

cannot certify either that his motion would not be frivolous or that the transcript is necessary. Therefore, his request for preparation of the transcript at government expense will be denied without prejudice.

If defendant wishes, he may obtain a copy of the transcript 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 transcript at government expense pursuant to 28 U.S.C. §753(f) is DENIED without prejudice.

Entered this 26th day of November, 2007.

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