

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

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WAR N. MARION,

Plaintiff,

v.

ORDER

09-cv-723-bbc

JANEL NICKEL, DYLAN RADTKE,
CHAD KELLER and BENJAMIN NEUMAIER

Defendants.

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Plaintiff War Marion is proceeding in forma pauperis on his appeal from the March 23, 2011 judgment in this case, entered following a jury trial. Now before the court is plaintiff's motion for preparation of the trial transcript and exhibits at government expense, along with a copy of Eric Long's deposition.

Under 28 U.S.C. § 753(f), a party proceeding in forma pauperis is entitled to a free transcript only after the party files an appeal and the court determines that the appeal "is not frivolous (but presents a substantial question)." In granting plaintiff leave to proceed in forma pauperis on his appeal, I have already concluded that the appeal is not taken in bad faith, so I will grant his motion as it pertains to the trial transcripts and exhibits.

The motion will be denied as to Long's deposition. Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993) ("there is no statutory authority for a court to commit federal funds to pay for deposition transcripts.")

ORDER

IT IS ORDERED that

1. Plaintiff War Marion's motion for the preparation of transcripts and exhibits at the government's expense, dkt. #153, is GRANTED. A transcript shall be prepared and furnished to plaintiff, with the fees to be paid by the United States, pursuant to 28 U.S.C. §753(f).

2. Plaintiff's motion for a copy of Eric Long's deposition, dkt. #153, is DENIED.

Entered this 2d day of August, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge