

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

LONNIE L. JACKSON,

Plaintiff,

v.

DR. PATRICK J. MURPHY, DR. DAVID
BURNETT, RN. J. KLETTKE, SHARON
ZUNKER, AMY SMITH, RN WENDY
CARIVOU. ISMAEL OZANNE and
HOLLY GUNDERSON,

Defendants.

ORDER

10-cv-425-bbc

Plaintiff Lonnie L. Jackson has filed a renewed motion for preparation of transcripts at government expense. Now that he has filed an appeal from this court's order determining that he had not exhausted his administrative remedies, such a motion is appropriate. (His earlier motion was not, because it was filed before he had filed an appeal.)

Plaintiff is seeking preparation of the transcript of the evidentiary hearing held in Jackson v. Raemisch, 10-cv-212-bbc, on March 25, 2011, a companion case to this one. In the hearing, I concluded that plaintiff had lied about his exhaustion of administrative remedies. As a sanction, I dismissed both 10-cv-212 and this case, which had originally

been part of 10-cv-212 before it was severed in an order entered on July 30, 2010. Dkt. #9.

I conclude that preparation of the transcript at government expense is warranted under 28 U.S.C. § 753(f), because plaintiff has been found eligible to proceed in forma pauperis, a copy of the hearing transcript is necessary to enable the court of appeals to decide the issue that plaintiff is appealing and the appeal is not frivolous.

ORDER

IT IS ORDERED that plaintiff Lonnie L. Jackson's renewed motion for preparation of the transcript is GRANTED. The court reporter is directed to prepare, at government expense, the transcript of the evidentiary hearing held in Jackson v. Raemisch, 10-cv-212-bbc, on March 25, 2011.

Entered this 27th day of September, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge