

2005 WL 1484521

Only the Westlaw citation is currently available.
United States District Court,
W.D. Wisconsin.

Berrell FREEMAN, Plaintiff,
v.

Gerald BERGE, Warden, in his official and
individual capacities; Peter Huibregtse, Deputy
Warden, in his individual capacity, Gary
Boughton, Security Director, in his individual
capacity; John Sharpe, Unit Manager (former), in
his individual capacity; and Grad Hompe, Unit
Manager, in his individual capacity, Defendants.

No. 03-C-0021-C. | June 22, 2005.

Attorneys and Law Firms

Berrell Freeman, pro se.

Corey F. Finkelmeyer, Assistant Attorney General,
Madison, WI, for Defendant.

Opinion

ORDER

CRABB, J.

*1 An amended judgment was entered in this case on May 19, 2005, vacating the judgment entered herein on December 30, 2004, and granting judgment in favor of all

Footnotes

¹ Opening and closing statements, the jury selection process and jury instructions are not 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.

of the defendants. Subsequently, on May 23, 2005, plaintiff Berrell Freeman, who is represented in this case by appointed counsel, filed a notice of appeal and a request for leave to proceed *in forma pauperis* on appeal. Although plaintiff's notice and request were docketed by the clerk of court, they will be disregarded. As I informed plaintiff at the time I appointed counsel to represent him, he may not communicate directly with the court about matters pertaining to his case. He must work directly with his lawyers and permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form.

On June 20, 2005, counsel for plaintiff filed a notice of appeal on plaintiff's behalf and paid the full filing fee. Although counsel has not requested that a copy of the transcript of the trial proceedings in this case be produced and sent to the court of appeals for its consideration in connection with plaintiff's appeal, I construe the notice to include such a request. Plaintiff qualifies for indigent status in connection with this case. 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 request for preparation of the trial transcript at government expense pursuant to 28 U.S.C. §§ 753(f) and 1915(c).

Accordingly, IT IS ORDERED that a transcript of the proceedings in the trial of this case be prepared and furnished to the plaintiff, with the fees therefor to be paid by the United States, pursuant to 28 U.S.C. § 753(f) and 28 U.S.C. § 1915(c).¹