

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ANDREW WOLTERS,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 03-3251-KHV
ESTATE OF N.L. CONNER,)	
)	
Defendant.)	
_____)	

ORDER

On September 1, 2006, after a trial, the Court entered judgment in favor of defendant. See Judgment (Doc. #285). Later, the Court granted plaintiff's motion to extend the time to appeal so that plaintiff could file an appeal on or before October 31, 2006. See Order (Doc. #287) filed October 11, 2006. To date, plaintiff has not filed a notice of appeal. This matter is before the Court on plaintiff's request for transcripts (Doc. #288) filed March 23, 2007.

Plaintiff requests transcripts of the trial and the status conferences in this case, but he does not explain for what purpose he seeks such transcripts. Under 28 U.S.C. § 753(f), an *in forma pauperis* plaintiff may obtain a transcript paid by the United States only if the Court certifies that the appeal is not frivolous and that the appeal presents a substantial question. Plaintiff has not set forth any basis for an appeal in this case. See Wright v. City of St. Francis, Kan., 166 Fed. Appx. 343, 347 (10th Cir. 2006) (appellant has burden to prove appeal presents substantial question) (citation omitted). More importantly, the deadline to appeal the judgment in this case expired some five months ago. See Fed. R. App. P. 4(a). Accordingly, the Court overrules plaintiff's request for transcripts.

IT IS THEREFORE ORDERED that plaintiff's request for transcripts (Doc. #288) filed

March 23, 2007 be and hereby is **OVERRULED**.

Dated this 19th day of April, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Court