

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

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 07-20168</b>
	)	
<b>KEITH McDANIEL,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**MEMORANDUM AND ORDER**

This matter comes before the court on defendant Keith McDaniel's *pro se* motion, filed February 27, 2012, for free copies of all transcripts pertaining to his case (doc. 1442). For the reasons stated below and in the interest of efficiency, defendant's motion is summarily denied without further briefing by the parties.

Mr. McDaniel was tried before a jury and convicted on May 15, 2009 of conspiracy to manufacture, possess with intent to distribute, or distribute 50 grams or more of cocaine base ("crack") and 5 kilograms or more of cocaine. Mr. McDaniel received a 360-month sentence. On September 25, 2009, he filed a direct appeal. The Tenth Circuit denied the appeal, filing a mandate on September 30, 2011. Since Mr. McDaniel's conviction, he has filed numerous, miscellaneous motions, including a motion for discovery. On January 30, 2012, the court denied Mr. McDaniel's request for discovery, explaining:

The Tenth Circuit has previously looked to 28 U.S.C. § 753(f), the statutory provision governing copies of transcripts to defendants, to resolve requests for other court documents. Section 753(f) allows free copies of transcripts if the court “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.” 28 U.S.C. § 753(f).

. . . .

[A] habeas petition must be filed to trigger the specific statute that grants indigent petitioners . . . “parts of the record” without cost. *See* 28 U.S.C. § 2250; [*United States v. Lewis*, 1994 WL 563442, at \* 1 (10th Cir. Oct. 14, 1994)].

The status of Mr. McDaniel’s case remains unchanged since the court’s previous ruling. As before, Mr. McDaniel currently has no nonfrivolous motions before the court. As such, his Motion for Transcripts (doc. 1442) is denied.

**IT IS THEREFORE ORDERED BY THE COURT** that defendant’s motion for transcripts (doc. 1442) is denied.

**IT IS SO ORDERED** this 29th day of February, 2012.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge