

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH W. CLARK,

Defendant.

ORDER

On February 18, 2009, Defendant Joseph W. Clark pleaded guilty to one count of possession of a firearm in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(I). The Court sentenced him to 60 months' imprisonment. Defendant has not appealed or filed any habeas petition. This matter now comes before the Court on Defendant's Motion for Leave to Proceed in Forma Pauperis, Motion for Leave to Obtain Copies (Doc. 59). In his motion, Defendant requests a free copy of the docket sheet and other court documents.

Under 28 U.S.C. § 2250, an indigent petitioner is entitled to free copies of documents or parts of the record. But “a habeas corpus petition must be filed to trigger the statute that explicitly grants indigent habeas corpus petitioners ‘documents’ or ‘parts of the record’ without cost.”¹ As a result, Defendant has not met the requirements of § 2250 for free documents or parts of the record because he has no habeas petition pending. Thus, the Court denies his motion at this time.

¹*United States v. Lewis*, 37 F.3d 1510, 1994 WL 563442, *1 (10th Cir. Oct. 14, 1994) (citing 28 U.S.C. § 2250; *United States v. Connors*, 904 F.2d 535, 536 (9th Cir. 1990); *Walker v. United States*, 424 F.2d 278, 278–79 (5th Cir. 1970)).

If the Defendant requests, however, he can obtain copies of the record at his own expense. For example, the Clerk of the Court will make copies of specifically requested documents in exchange for a fee of 10 cents per page. The Court directs the Clerk of the Court to send the docket sheet along with this Order to Defendant. Defendant may request any unsealed document filed in this matter and is directed to send any such request, along with the requisite fee, to the Clerk of the Court.

Additionally, if Defendant files a habeas petition and then specifically requests a free copy of documents, indicating with particularity how each will aid him in furtherance of his motion, the Court would reconsider his requests at that time.

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion for Leave to Proceed in Forma Pauperis, Motion for Leave to Obtain Copies (Doc. 59) is **DENIED**, without prejudice.

IT IS SO ORDERED.

Dated: July 16, 2012

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE