

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**TYRONE RAMSEY,**

**Defendant.**

**Case No. 09-20046-CM-9**

**MEMORANDUM AND ORDER**

This matter comes before the court on defendant's Motion for Transcripts (Doc. 860). Defendant requests a free copy of the transcript from his sentencing hearing "in an effort to prepare pleadings of merit."

Pursuant to 28 U.S.C. § 753(f), an indigent criminal defendant is entitled to a free copy of a hearing transcript so long as a 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." Defendants must show a particularized need for copies of the transcript. *United States v. Bennett*, No. 06-20056-10-KHV, 2009 WL 3644920, at \*1 (D. Kan. Oct. 30, 2009) (citing *United States v. Sistrunk*, 992 F.2d 258, 260 (10th Cir.1993)). And defendants are not constitutionally entitled to free transcripts "in order to search for error." *Ruark v. Gunter*, 958 F.2d 318, 319 (10th Cir. 1992).

Here, defendant is currently serving a 188-month sentence in the Bureau of Prisons. In 2015, defendant filed a Motion to Reduce Sentence (Doc. 802) which was denied on May 27, 2015. Defendant filed his Motion for Sentencing Transcript on April 14, 2017. It is not clear why defendant seeks a copy of the sentencing transcript beyond "in an effort to prepare pleadings of merit." Before this court will approve his request for a free transcript, defendant must show a particularized need for

the transcript and show that his suit is not frivolous. Because defendant has not met these requirements, the court denies his motion for a free copy of the transcript from his sentencing hearing.

**IT IS THEREFORE ORDERED** that defendant's Motion for Transcripts (Doc. 860) is denied.

Dated February 7, 2018, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**