

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**HOWARD BEAU-JACOB DREW,**

**Defendant.**

## ORDER

On March 5, 2012, Defendant Howard Beau-Jacob Drew pleaded guilty to one count of possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g). The Court sentenced him to 30 months' imprisonment on May 15, 2012. 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. 35). In his motion, Defendant requests a copy of the docket sheet and other court documents and asks that the Court waive all costs and fees for providing these 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.”<sup>1</sup> 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

<sup>1</sup>*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)).

at this time.

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. 35) is **DENIED**, without prejudice.

**IT IS SO ORDERED.**

Dated: July 16, 2012

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE