

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 17-10096-JTM

SYCARR GREENLEY,
Defendant.

MEMORANDUM AND ORDER

Defendant Sycarr Greenley has filed a *pro se* motion requesting the Clerk of Court provide him with a copy of the “court proceedings” in this matter, his “docket sheets,” and for the court to cover the cost of those materials. (Dkt. 74). The court presumes that by referencing “court proceedings” defendant is requesting transcripts, although defendant does not specify which transcripts he requests nor for what purpose they are requested. While the court will direct the Clerk to provide defendant with a copy of the docket sheet for this matter, free of cost, the court cannot grant the remainder of defendant’s motion.

There have been numerous hearings in this matter dating back to 2017. Transcripts have been prepared for a number of those hearings and purchased already by defendant’s counsel David Rapp, which would be available to defendant either through his former counsel or through PACER. To the extent that defendant requests transcripts that have not yet been prepared and/or requests that the court provide those transcripts at its own expense, the court declines. Defendant has no general right to have transcripts provided, and he has not shown any particularized need for them in his instant motion.

Defendant has not filed a direct appeal in this matter, and his time to do so has expired. Defendant has also not filed any collateral attack on his sentence under 28 U.S.C. § 2255 or other statutory provision. Even if he had filed such a motion or intends to file such a motion, defendant would not automatically be entitled to obtain transcripts at the court's expense. *See* 28 U.S.C. §753(f) (stating fees for transcripts in 2255 proceedings shall only be paid by the United States if a trial or circuit judge certifies that the suit or appeal is not frivolous and the transcripts are necessary to decide the issue presented).

Absent some showing that defendant is entitled to be provided with transcripts in this matter and a particularized showing of the transcripts requested, the court declines to grant the requested relief. Defendant's motion (Dkt. 74) is DENIED without prejudice. The Clerk is directed to mail a copy of the docket sheet in this matter to the address on file for defendant.

IT IS SO ORDERED.

Dated this 23rd day of May, 2019.

/s/J. Thomas Marten
THE HONORABLE J. THOMAS MARTEN
UNITED STATES DISTRICT COURT