

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 96-0210 (PLF)
	)	
NORLAN FRANCISCO JIRON-MATUS,	)	
	)	
Defendant.	)	

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MEMORANDUM OPINION AND ORDER

Defendant Norlan Francisco Jiron-Matus, who has filed several unsuccessful *pro se* motions under 28 U.S.C. § 2255 to reduce his sentence, has now filed a *pro se* motion to obtain free transcripts of three of the hearings held in his case. Specifically, Mr. Jiron-Matus requests that the Court order the preparation, at no cost to him, of transcripts from his July 1996 arraignment, an October 1996 status hearing, and a November 1996 status hearing. See Motion for Leave to Apply for Transcripts (“Mot.”) at 2.

The Court will deny Mr. Jiron-Matus’ motion. The court of appeals has explained the statutory requirements that must be met before a federal prisoner’s request to obtain free transcripts for use in post-conviction proceedings may be granted:

Litigants do not have a constitutional right to a free transcript to assist them in preparing a collateral challenge to a criminal conviction. United States v. MacCollom, 426 U.S. 317 (1976). Pursuant to 28 U.S.C. § 753(f), an indigent prisoner may obtain a transcript at the expense of the United States “in proceedings brought under section 2255 of this title . . . if the trial judge or a circuit judge 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.”

United States v. Levi, No. 96-3054, 1996 WL 587677, at \*1 (D.C. Cir. Sept. 20, 1996); see United States v. Edmond, No. 92-3293, 1993 WL 301138, at \*1 (D.C. Cir. July 27, 1993) (same); United States v. Stover, 576 F. Supp. 2d 134, 146 (D.D.C. 2008) (“While it is true that 28 U.S.C. § 753(f) allows for the provision of free transcripts in preparation for a habeas petition, it does not require it.”).

Mr. Jiron-Matus offers no specific reason why he needs the transcripts that he has requested. The only portion of his motion that explains his purported need for these transcripts is couched in the vaguest of terms:

These documents are necessary for several reasons, first, the Movant alleges that the Court may have abused its discretion, which may be present in the above hearings. Next the Movant states that it would illustrate that Counsel may have not performed up to the standard required under Strickland v. Washington, and Johnson v. Uribe, 682 F.3d 1238, 2012 LEXIS 12799, No # 1155187, June 22, 2012)). (see e.g. Lafler v. Cooper, 566 U.S. \_\_\_\_, \_\_\_\_ 132 S.Ct. 1376, 182 L.Ed. 2d 398 (2012).

Mot. at 2. Based on this explanation, which suggests little more than a desire to engage in an unguided fishing expedition, the Court cannot certify that Mr. Jiron-Matus’ prospective suit “is not frivolous” or that the transcripts are “needed to decide the issue presented by the suit.” 28 U.S.C. § 753(f); see United States v. MacCollom, 426 U.S. at 326-27.

For these reasons, it is hereby

ORDERED that Mr. Jiron-Matus’ motion for leave to apply for transcripts

[Dkt. No. 39] is DENIED.

SO ORDERED.

/s/ \_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: April 25, 2013