

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ELAINE MOORMAN,)
)
 Plaintiff,)
)
 vs.) Case No. 10-cv-405-MJR
)
 WAL-MART STORES, INC.,)
)
 Defendant.)

ORDER

REAGAN, District Judge:

Plaintiff Elaine Marie Moorman is proceeding in the District Court pro se. Moorman's complaint was dismissed on June 7, 2011 (Doc. 48), and Judgment was entered on June 8, 2011 (Doc. 49). A notice of appeal was filed on July 6, 2011 (Doc. 50). Before the Court is Moorman's Motion for Extension of Time (Doc. 54), seeking an extension of time within which to file a transcript information sheet, docketing statement, motion to proceed in forma pauperis and motion for appointment of counsel. Moorman states that she has difficulty reading and writing, and that she had surgery on July 6, 2011, and continues to take pain medication. She requests a 30-day extension of time.

On appeal, most matters are solely the prerogative of the Court of Appeals, although a few preliminary matters are initially presented to the District Court. Therefore, the Court will address each matter raised by Moorman separately.

In accordance with Federal Rule of Appellate Procedure 10(b)(1), a transcript information sheet is to be filed with the court reporter within 14 days of filing the notice of appeal, whether a transcript is being ordered or not. *See also* Doc. 51, p. 3. Appellate Rule 10(a) characterizes transcripts as part of the record on appeal, and Circuit Rule 11(c)(1) provides that all requests for an extension related to the record must be addressed to the Court of Appeals.

Therefore, Moorman should address her request to the Court of Appeals. However, because Mormon is seeking leave to proceed in forma pauperis, who is responsible for paying for any transcript remains to be seen.

Circuit Rule 3(c)(1) of the United States Court of Appeals for the Seventh Circuit dictates that, if not filed contemporaneously with the notice of appeal, a docketing statement must be filed with the Clerk of the Court of Appeals within seven days of filing the notice of appeal. Therefore, Moorman must seek an extension of time from the Court of Appeals.

Moorman was not granted pauper status in the District Court, but she apparently desires to seek pauper status on appeal. In accordance with Federal Rule of Appellate Procedure 24(a)(1), motions for leave to proceed in forma pauperis are initially directed to the District Court. Therefore, Moorman's request for a 30-day continuance is properly before this Court. Because Moorman is already well past some of the Appellate Court deadlines, and the rationale for an extension is not compelling, and the motion to proceed in form a pauperis is relatively simplistic, Moorman will be granted just until August 8, 2011, to move for pauper status.

Moorman sought but was denied appointed counsel in the District Court proceedings. Therefore, Moorman must address her request for appointment of counsel on appeal to the Court of Appeals.

Moorman would be well advised to contact the Clerk of the Court of Appeals for procedural guidance, as the District Court cannot speak authoritatively for the Court of Appeals on procedural and timing matters. Before doing that, however, a wealth of information is available on the internet at www.CA7.uscourts.gov.

IT IS THEREFORE ORDERED that Plaintiff Moorman's Motion for Extension of Time (Doc. 54) is **GRANTED IN PART AND DENIED IN PART**. More

specifically, Moorman is **GRANTED** until **August 8, 2011**, to file in the District Court a motion to proceed in forma pauperis. Moorman's motion for an extension of time to file a transcript information sheet, docketing statement and motion for appointment of counsel is **DENIED**, without prejudice, as those issues are the prerogative of the Court of Appeals for the Seventh Circuit.

IT IS SO ORDERED.

DATED: July 22, 2011

s/ Michael J. Reagan

MICHAEL J. REAGAN
UNITED STATES DISTRICT JUDGE