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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY CRAYTON,
Plaintiff,
v.

No. C 08-00621 WHA (PR)
**ORDER DENYING MOTION FOR AN
ADA ACCOMMODATION ORDER**

CORRECTIONAL OFFICER A.
HEDGPETH, et al.,
Defendants.

_____ /
This is a civil rights action filed under 42 U.S.C. 1983 by a California prisoner proceeding pro se. On December 17, 2012, plaintiff filed a motion for an ADA accommodation order. On January 18, 2013, defendants filed a motion for summary judgment. Plaintiff has not yet filed his opposition.

The court takes judicial notice of the proceedings in plaintiff’s federal appeal, *Crayton v. Rochester Medical Corporation*, No. 11-15574 (9th Cir. filed March 10, 2011). See *United States v. Author Services, Inc.*, 804 F.2d 1520, 1523 (9th Cir. 1986) (holding that district court appropriately took judicial notice of facts developed in a related case when exercising its discretion to deny an evidentiary hearing in an IRS summons enforcement proceeding), *amended in irrelevant part by* 811 F.2d 1264 (9th Cir. 1987), *overruled on other grounds by United States v. Jose*, 131 F.3d 1325 (9th Cir. 1997); *cf. Intri-Plex Technologies, Inc. v. Crest Group, Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007) (“a court may take judicial notice of matters of public record without converting a motion to dismiss into a motion for summary judgment,

1 as long as the facts noticed are not subject to reasonable dispute.”).


2 In *Crayton v. Rochester Medical Corporation*, plaintiff had filed a similar motion for an
3 ADA accommodation order on December 17, 2012. As in the underlying case, the motion filed
4 in the Ninth Circuit stated that, as of December 10, 2012, plaintiff would no longer be able to
5 use a “loaner typewriter,” and would need to obtain ADA typing accommodations from the law
6 library. However, notes plaintiff, the law library does not have such typing accommodations.
7 Thus, plaintiff requested the both courts to order the Warden or the prison litigation coordinator
8 to provide him with a state loaner typewriter so that he may continue to litigate his claims.

9 On January 2, 2013, plaintiff filed a status report in *Crayton v. Rochester Medical*
10 *Corporation*, requesting withdrawal of his motion for an ADA accommodation order. He
11 acknowledged that his inability to type had been resolved on December 18, 2012, and he was
12 given a state loaner typewriter.

13 In light of this status report, the court DENIES plaintiff’s motion for an ADA
14 accommodation order as moot.

15 **IT IS SO ORDERED.**

16 Dated: February 6, 2013.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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