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

JEFFREY E. WALKER,

Plaintiff,

No. 2:09-cv-0642 WBS CKD P

vs.

A.H. WHITTEN, et al.,

Defendant.

FINDINGS AND RECOMMENDATIONS

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In an order dated November 29, 2012, the court denied plaintiff's request for an order directing officials at his prison to allow plaintiff to use a typewriter and to provide plaintiff with more access to the prison law library. Specifically, the court found as follows:

Plaintiff . . . requests that the court order that plaintiff be provided access to a typewriter. Plaintiff asserts it is difficult for him to write. Plaintiff has made this request on several occasions and such requests have been specifically denied three times within the last year. Dkt. Nos. 77, 88 & 104. Also, a review of the Court's docket reveals that within the last three or so years, plaintiff has filed approximately 30 handwritten documents with the court, approximately 10 of which are 5 pages or longer in length. In light of these facts, plaintiff's request that the court order prison officials to provide plaintiff with access to a typewriter will be denied.

Finally, plaintiff has requested that the court order that he be granted more access to his prison's law library. However, he has

1 not explained why he needs more access. This request will be  
2 denied.

3 Plaintiff appealed this order to the Ninth Circuit. Dkt. No. 117. On January 23,  
4 2013, the Ninth Circuit found the court did not have the authority under 28 U.S.C. § 636 to enter  
5 the order described above because the court lacks the authority to “deny injunctive relief.” The  
6 Ninth Circuit then transferred this case to the district court judge assigned to this case for “further  
7 action.” The district court has now remanded back to this court for findings and  
8 recommendations as to whether plaintiff should be granted access to a typewriter and more  
9 access to the law library.

10 As indicated above, the record before the court on November 29, 2012 did not  
11 demonstrate that plaintiff required a typewriter or increased access to the law library to pursue  
12 this case. Furthermore, at this point, plaintiff need not submit anything lengthy or legally  
13 complex with the court as the court is waiting for defendants’ reply brief concerning their  
14 pending motion for summary judgment to draft and issue findings and recommendations. For  
15 these reasons the court recommends that plaintiff’s request that the court order prison officials to  
16 allow plaintiff to use a typewriter and to provide plaintiff with more access to his prison’s law  
17 library be denied.

18 Accordingly, IT IS HEREBY RECOMMENDED that:

19 1. Plaintiff’s request that the court order prison officials to allow plaintiff to use a  
20 typewriter be denied.

21 2. Plaintiff’s request that the court order prison officials to provide him with more  
22 access to his prison’s law library be denied.

23 These findings and recommendations are submitted to the United States District  
24 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen  
25 days after being served with these findings and recommendations, any party may file written  
26 objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
2 shall be served and filed within fourteen days after service of the objections. The parties are  
3 advised that failure to file objections within the specified time may waive the right to appeal the  
4 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: February 7, 2013

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8 CAROLYN K. DELANEY  
9 UNITED STATES MAGISTRATE JUDGE

10 <sup>1</sup>  
11 walk0642.twl