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

JIMMIE STEPHEN,

Plaintiff,

No. CIV S-09-1516 MCE KJM P

vs.

F. ZHANG, et al.,

Defendants.

ORDER

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. He has filed a motion for leave to file a supplemental complaint and a motion for an order directing prison authorities to provide ribbons for the typewriters in the law library.

I. Supplemental Complaint

Under Federal Rule of Civil Procedure 15(d), a party may seek leave of court to file a supplemental complaint containing claims that accrued after the initial complaint was filed. Cabrera v. City of Huntington Park, 159 F.3d 374, 382 (9th Cir. 1998). It is difficult to determine whether plaintiff’s claims satisfy the requirements for a supplemental complaint because the vague allegations appear to include incidents from 2005, 2009 and 2010.

In addition, given the pendency of defendants’ motion to dismiss, the court will not consider further motions to file amended or supplemental complaints until the ultimate status of the action is resolved.

1 II. Motion For Typewriters With Ribbons

2 Plaintiff alleges that prison authorities are refusing to spend money from the  
3 inmate welfare fund on typewriter ribbons and that this has the potential of denying him access  
4 to the courts. He supports his argument with a letter from the California Supreme Court from  
5 2004 reminding him that he should file typewritten copies of his petition for review. The court  
6 notes, however, that many of the documents plaintiff has filed in this case have been typewritten  
7 and that the court has not rejected his handwritten documents. He has not shown he has been  
8 denied access to the court in this case.

9 IT IS THEREFORE ORDERED that plaintiff's request to file a supplemental  
10 complaint (doc. no. 58) is denied.

11 IT IS HEREBY RECOMMENDED that plaintiff's request for an order directing  
12 prison authorities to provide typewriter ribbons (doc. no. 53), interpreted as a request for  
13 injunctive relief, be denied.

14 These findings and recommendations are submitted to the United States District  
15 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-  
16 one days after being served with these findings and recommendations, any party may file written  
17 objections with the court and serve a copy on all parties. Such a document should be captioned  
18 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections  
19 shall be served and filed within fourteen days after service of the objections. The parties are  
20 advised that failure to file objections within the specified time may waive the right to appeal the  
21 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

22 DATED: November 9, 2010.

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25 U.S. MAGISTRATE JUDGE  
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