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

KIRK DOUGLAS WILLIAMS,

Plaintiff,

No. CIV S-10-2893 KJM CKD P

VS.

STATE OF CALIFORNIA, et al.,

Defendants.

**ORDER** 

Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C. § 1983. On July 29, 2011, the previously assigned magistrate judge dismissed plaintiff's original complaint with leave to amend within thirty days. Plaintiff has not filed an amended complaint.

On August 11, 2011, plaintiff filed a "motion for reasonable accommodations" in which he asserts that he is visually impaired and cannot see clearly even with corrective lenses. Plaintiff claims that he only has access to auxiliary visual aids during his weekly sessions in the prison law library, and that he is entitled to greater accommodation for his disability. Plaintiff asks the court to order that all court correspondence directed to any party in this action be transcribed onto audio cassette tapes for plaintiff's use, and that all prospective defendants communicate with plaintiff via audiotape. (Dkt. No. 15.)

If plaintiff seeks to challenge prison officials' accommodation of his disability pursuant to Title II of the Americans with Disabilities Act, he may raise such a claim in the amended complaint pursuant to 42 U.S.C. § 1983. See Phiffer v. Columbia River Correctional Institute, 384 F.3d 791 (9th Cir. 2004); Lovell v. Chandler, 303 F.3d 1039 (9th Cir. 2002). This, not a motion, is the appropriate vehicle for plaintiff's request for relief. Moreover, in light of the fact that plaintiff has filed numerous pleadings in both this action and a concurrent federal action, Williams v. Hedgpeth, CIV-S-09-2968 JAM CKD P (E.D. Cal.), in recent months, the court is satisfied that plaintiff is able to litigate his federal claims with the aid of his present accommodations.

Therefore, IT IS HEREBY ORDERED that plaintiff's August 11, 2011 motion for reasonable accommodations (Dkt. No. 15) is denied.

Dated: September 28, 2011

CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

will2893.ord