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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VANCE BLAINE,  
Plaintiff,  
v.  
CALIFORNIA HEALTH CARE  
FACILITY, et al.,  
Defendants.

No. 2:13-cv-2163 KJM AC P

ORDER

Plaintiff, a visually impaired state prisoner incarcerated at the California Health Care Facility (CHCF), proceeds pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. 1983. This action proceeds on plaintiff’s First Amended Complaint filed April 24, 2014. See ECF No. 13.

By order filed September 8, 2016, in response to plaintiff’s request for accommodations, see ECF No. 55, this court requested that the Office of the California Attorney General contact CHCF to identify the accommodations accorded plaintiff in pursuing this action. See ECF No. 57. The court acknowledges the helpful efforts of Deputy Attorney General (DAG) Matthew Ross Wilson in investigating this matter and filing a response by special appearance, together with a declaration submitted by T. Weinholdt, CHCF’s Americans with Disabilities Act Coordinator. See ECF No. 60.

1           The response indicates that plaintiff has access to all accommodations available at CHCF,  
2 including a Merlin Elite HD Magnifier Enhanced Vision machine in the prison library, that  
3 optimizes and enlarges text, and audibly reads text that plaintiff may listen to with headphones;  
4 that neither CHCF nor the California Medical Facility, plaintiff's prior place of incarceration,  
5 have access to a machine capable of taking notes and dictation; that plaintiff has access to law  
6 librarians who can read documents and write for him, and assist with legal research; that plaintiff  
7 also has access to personal assistants working with the Inmate Disability Assistance Program, in  
8 both the law library and housing units, who can access plaintiff's legal documents with his  
9 consent and the approval of custody staff, and read and write for plaintiff; and that plaintiff may  
10 call on the assistance of other inmates. See ECF No. 60.

11           For these several reasons, the court finds that plaintiff presently has adequate  
12 accommodations to pursue the instant action. Plaintiff's request for additional accommodations,  
13 ECF No. 55, is therefore denied.

14           At this juncture, two of the three defendants in this action have been served process. See  
15 ECF Nos. 36, 39 (defendant Sabin waived service and filed an answer); ECF No. 59 (defendant  
16 Crosson waived service). Service of process remains outstanding for defendant Ditomas. See  
17 ECF No. 53. Discovery is stayed and there are no existing deadlines. See ECF No. 46. After  
18 defendant Ditomas has been served process, and both he and defendant Crosson have answered  
19 the complaint, the court will issue a new Discovery and Scheduling Order. Plaintiff is advised  
20 that, pending further scheduling in this action, he should organize his legal documents and  
21 prepare his potential discovery requests for each defendant.<sup>1</sup>

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26 <sup>1</sup> Plaintiff's discovery requests may include the following: (1) requests for admission (yes-or-no  
27 statements of fact) directed to each defendant, see Fed. R. Civ. P. 36; (2) up to twenty-five  
28 interrogatories (questions) directed to each defendant, see Fed. R. Civ. P. 33; and (3) requests for  
copies of documents, electronically stored information, or other tangible evidence directed to  
each defendant, see Fed. R. Civ. P. 34.

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For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's request for additional accommodations, ECF No. 55, is denied.

DATED: October 11, 2016

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE