

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 23 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ERNESTO HERNANDEZ,

Defendant-Appellant.

No. 18-10502

D.C. No. 1:13-cr-00511-JMS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, District Judge, Presiding

Submitted September 18, 2019**

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

Ernesto Hernandez appeals pro se from the district court's denial of his motion for judicial notice pursuant to Federal Rule of Evidence 201. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Hernandez claims that the district court erred by declining to take judicial

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

notice of Hernandez's allegation that the government attorneys who prosecuted his case were not properly appointed. The district court did not abuse its discretion by denying this request because Hernandez has failed to show that his allegation was relevant to any pending proceeding, and has also failed to show that it was "not subject to reasonable dispute." See Fed. R. Evid. 201(b), (d); *United States v. Woods*, 335 F.3d 993, 1000-01 (9th Cir. 2003) (setting forth standard of review). Furthermore, the district court was not required to hold an evidentiary hearing to resolve the request for judicial notice.

In light of this disposition, we do not reach the parties' remaining arguments.

AFFIRMED.