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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jeremy Pinson,

10 Plaintiff,

11 v.

12 United States,

13 Defendant.  
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No. CV-19-00422-TUC-RM

**ORDER**

15 Pending before the Court is Plaintiff Jeremy Pinson's pro se Motion to Take  
16 Judicial Notice. (Doc. 81.)<sup>1</sup> In the Motion, Plaintiff asks the Court to take judicial notice  
17 of victim impact statements in *United States v. Jemine*, a case that Plaintiff avers she  
18 quoted in her Response to Defendant's pending Motion to Dismiss/Motion for Summary  
19 Judgment. (*Id.*) Plaintiff attaches to the Motion to Take Judicial Notice a cover sheet for  
20 the case *United States v. Jemine*, 555 Fed. App'x 624 (7th Cir. Feb. 20, 2014), along with  
21 a summary of victim impact statements related to charges that were not at issue in *United*  
22 *States v. Jemine*, 555 Fed. App'x 624.

23 In her Response to Defendant's Motion to Dismiss/Motion for Summary  
24 Judgment, Plaintiff refers to a victim impact statement of a Bureau of Prisons staff  
25 member in *United States v. Jemine* (D. Ariz.). (Doc. 79 at 7.) The charges discussed in  
26 the summary of the victim impact statements that Plaintiff attaches to her Motion to Take  
27 Judicial Notice appear to coincide with those at issue in *United States v. Jemine*, No.

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<sup>1</sup> Other pending Motions will be resolved separately.

1 4:21-mj-01563-LCK (D. Ariz.), a case that was transferred to the Northern District of  
2 Illinois, *United States v. Jemine*, No. 1:21-cr-00374-1 (N.D. Ill.). The Sentencing  
3 Memorandum filed by the Government in *United States v. Jemine*, No. 1:21-cr-00374-1  
4 (N.D. Ill. Dec. 17, 2021) discusses victim impact statements, and that discussion appears  
5 to coincide with, but is not identical to, the summary of victim impact statements attached  
6 to Plaintiff’s Motion to Take Judicial Notice.

7 A court may take judicial notice of “a fact that is not subject to reasonable  
8 dispute” because it is either “generally known within the trial court’s territorial  
9 jurisdiction” or “can be accurately and readily determined from sources whose accuracy  
10 cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court may take judicial  
11 notice of the fact of a court proceeding or filing as an undisputed matter of public record;  
12 however, a court may not take judicial notice of facts subject to reasonable dispute that  
13 are stated within court proceedings or filings. *Lee v. City of Los Angeles*, 250 F.3d 668,  
14 689-90 (9th Cir. 2001). If “a court takes judicial notice of another court’s opinion, it may  
15 do so not for the truth of the facts recited therein” but only “for the existence of the  
16 opinion, which is not subject to reasonable dispute over its authenticity.” *Id.* at 690  
17 (internal quotation marks omitted).

18 This Court could take judicial notice of the fact of the filing of victim impact  
19 statements in a criminal case, but it is not entirely clear which case Plaintiff is  
20 referencing, and Plaintiff appears to be asking this Court to take judicial notice not of the  
21 fact of the filing of the victim impact statements but of facts contained within those  
22 statements. Even if Plaintiff had attached the actual victim impact statements at issue  
23 rather than a summary of unknown origin, it is not appropriate for this Court to take  
24 judicial notice of facts asserted within those victim impact statements, as such facts are  
25 subject to reasonable dispute.

26 Accordingly,


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**IT IS ORDERED** that Plaintiff's Motion to Take Judicial Notice (Doc. 81) is **denied.**

Dated this 29th day of July, 2022.



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Honorable Rosemary Márquez  
United States District Judge