

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ALVIN GLOVER,
ADC # 601517

PLAINTIFF

V.

5:13CV00065-SWW-JJV

C. HUNTER, Dr., W. C. “Dub”
Brassell Detention Center; *et al.*,

DEFENDANTS

ORDER

Plaintiff filed this matter *pro se* pursuant to 42 U.S.C. § 1983, seeking redress for an Eighth Amendment claim of deliberate indifference to his serious medical need. Before the Court is separate Defendant Greg Bolin’s Motion to Dismiss. (Doc. No. 16.) Mr. Bolin argues that Plaintiff’s condition was diagnosed as “geographic tongue” and is not a serious medical condition.

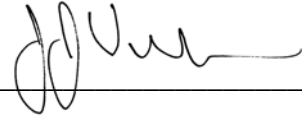
In adjudicating the Motion, the Court intends to consult the National Institute of Health website, MedlinePlus.¹ Rule 201 of the Federal Rules of Evidence governs the taking of judicial notice of adjudicative facts. “A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” FED. R. EVID. 201(b). A party is entitled to be heard as to the propriety of taking judicial notice and the facts upon which the Court may rely. FED. R. EVID. 201(e).

Because Plaintiff is proceeding *pro se* in this matter, the Court has determined that he should be given the opportunity to be heard, via written response or motion, on the accuracy of this information. Accordingly, Plaintiff will be allowed fourteen (14) days to respond to the “propriety”

¹<http://www.nlm.nih.gov/medlineplus/ency/article/001049.htm>, a copy of information from this web page is attached as Exhibit 1 to this Order.

of the Court's reliance on this information. *Id.* The failure to respond may be treated by the Court as a waiver of any objection to the accuracy of these records.

IT IS SO ORDERED this 28th day of June, 2013.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', written over a horizontal line.

JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE