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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TYRONE JONES,

Plaintiff,

v.

PLEASANT VALLEY
STATE PRISON, et al.,

Defendants.

CASE NO. 1:01-cv-05287-AWI-SMS PC

ORDER DENYING REQUEST
FOR JUDICIAL NOTICE

(Doc. 150)

Plaintiff Tyrone Jones is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 28, 2010, Plaintiff filed a request for judicial notice.

“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). While “[j]udicial notice may be taken at any stage of the proceeding,” Fed. R. Evid. 201(f), the Court will not take judicial notice of matters in a vacuum. The request must be made in conjunction with a proceeding or filing in which it would be appropriate to take judicial notice of the matters requested.

In this instance, Plaintiff is not requesting that the Court take judicial notice of a fact in support of a matter currently before the Court. Rather, Plaintiff disagrees with the manner in which Defendants are conducting discovery. There is no discovery dispute presently before the Court and

1 Plaintiff's disagreement with the form or content of Defendants' discovery requests is not properly
2 subject to judicial notice in any event.

3 Accordingly, Plaintiff's request for judicial notice is HEREBY ORDERED DENIED.

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5 IT IS SO ORDERED.

6 **Dated: July 2, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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