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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 DAVID G. FLORES,) 1:07-cv-01620-LJO-TAG HC
8)
9 Petitioner,) ORDER GRANTING PETITIONER'S
10 v.) MOTIONS TO CONSIDER
11 AVENAL STATE PRISON, Warden,) SUPPLEMENTAL LEGAL ARGUMENT
12 Respondent.) (Docs. 12, 13)
13 _____)

14 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
15 pursuant to 28 U.S.C. § 2254. (Doc. 1).

16 On March 14, 2008, Respondent filed a motion to dismiss the petition. (Doc. 10). On March
17 27, 2008, Petitioner filed his opposition to the motion. (Doc. 11). On June 26, 2008, and on January
18 7, 2009, Petitioner filed motions for judicial notice in which he cited various cases he contends
19 support denial of the motion to dismiss. (Docs. 12, 13). Because Petitioner's motions for judicial
20 notice do not request the Court to take judicial notice of facts or documents, but instead merely direct
21 the Court's attention to certain legal authorities, the Court will construe Petitioner's motions for
22 judicial notice as a supplemental legal argument in opposition to the motion to dismiss, and in that
23 context, Petitioner's motions (Docs. 12, 13) are GRANTED.

24
25 IT IS SO ORDERED.

26 Dated: February 5, 2009

27 /s/ Theresa A. Goldner
28 UNITED STATES MAGISTRATE JUDGE