1 2 3 4 UNITED STATES DISTRICT COURT 5 EASTERN DISTRICT OF CALIFORNIA 6 7 ROMAN CAMACHO MARTINEZ, 1:09-CV-01291 AWI JMD HC 8 Petitioner, ORDER DIRECTING RESPONDENT TO 9 LODGE ADDITIONAL DOCUMENTS v. 10 WARDEN, AVENAL STATE PRISON, 11 Respondent. 12 13 Roman Camacho Martinez (hereinafter "Petitioner") is a prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is 14 15 Petitioner's motion for judicial notice of court documents. See Doc. 24. Specifically, Petitioner 16 requests the Court take judicial notice of a July 22, 2010 Los Angeles Superior Court's decision 17 which found the Board of Parole Hearings' ("BPH") subsequent denial of parole in April of 2009 was not supported by "some evidence." 18 19 PROCEDURAL BACKGROUND 20 On July 24, 2009, Petitioner filed his federal petition challenging the Board of Parole 21 Hearings' decision to deny parole following a parole hearing held on April 22, 2008. See Doc. No. 22 1. On January 11, 2010, Respondent filed a response to the petition. See Doc. No. 12. On February 23 1, 2010, Petitioner filed a traverse. See Doc. No. 13. 24 On August 16, 2010, the Magistrate Judge issued a Findings and Recommendation ("F&R") 25 that the petition be DENIED with prejudice. The F&R was served on all parties and contained 26 notice that any objections were to be filed within thirty (30) days of the date of service of the order. 27 On September 7, 2010, Petitioner filed his objections (See Doc. No. 20) and on September 20, 2010 28 Respondent filed a reply to Petitioner's objections. See Doc. No 23. On January 11, 2011 Petitioner

1	filed the instant motion.
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3	<u>ANALYSIS</u>
4	Petitioner states that on April 15, 2009, the BPH held a subsequent parole hearing and denied
5	Petitioner parole. Petitioner filed a state habeas petition challenging the BPH's 2009 denial.
6	Petitioner is currently requesting the Court take judicial notice of the state court's decision granting
7	habeas relief. Petitioner also notes that on November 2, 2010, the BPH held a subsequent hearing
8	and found Petitioner suitable for parole. Neither party has lodged the November 2, 2010 hearing
9	transcript. To the extent that Petitioner has a potential release date it may be necessary to evaluate
10	whether the federal petition has been rendered moot.
11	Accordingly, Respondent is ordered to lodge, within two weeks of the date of this order, the
12	transcript and decision from the BPH's November 2010 hearing and/or any hearing held by the BPH
13	affecting Petitioner's status subsequent to the July 22, 2010 Los Angeles County Superior Court's
14	decision.
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16	ORDER
17	Respondent is ordered to lodge, within two weeks of the date of this order, the complete
18	transcript and decision from the BPH's November 2010 hearing and/or any hearing held by the BPH
19	after July 22, 2010 regarding Petitioner's status.
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21	IT IS SO ORDERED.
22	Dated: January 18, 2011 /s/ John M. Dixon UNITED STATES MAGISTRATE JUDGE
23	UNITED STATES MAGISTRATE JUDGE
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