## 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 BENNY FORD, Case No.: 1:10-cv-01024-SAB (PC) 12 Plaintiff, ORDER DENYING PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE 13 v. [ECF No. 47] 14 G. WILDEY, et al., 15 Defendants. 16 Plaintiff Benny Ford is appearing pro se and in forma pauperis in this civil rights action 17 18 pursuant to 42 U.S.C. § 1983. 19 On May 6, 2014, Plaintiff filed a motion for judicial notice pursuant to Rule 201 of the Federal 20 Rules of Civil Procedure. Plaintiff attaches a copy of an investigation report dated March 3, 2001, a 21 criminal investigation involving unknown individuals. Plaintiff's request must be denied. 22 Under Rule 201(b) of the Federal Rules of Evidence, a court may take judicial notice of a fact 23 not subject to reasonable dispute, either because the fact is generally known within the territorial 24 jurisdiction of the trial court or because the fact is capable of accurate and ready determination from sources whose accuracy cannot be reasonably questioned. Fed. R. Evid. 201(b). 25 26 This action is proceeding against Defendant Wildey for excessive force and against Defendant 27 Marshal for failure to protect. The Court cannot determine and Plaintiff does not present the relevancy

for which to take judicial notice of the investigative report attached to Plaintiff's motion. See, e.g.,

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1	Turnacliff v. Westly, 546 F.3d 1113, 1120 fn. 4 (9th Cir. 2008) (deny request for judicial notice based	
2	on lack of relevancy); Ruiz v. City of Santa Maria, 160 F.3d 543, 548 fn. 13 (9th Cir. 1998) (same).	
3	Accordingly, Plaintiff's motion for judicial notice is DENIED.	
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5	IT IS SO ORDERED.	SIP
6	Dated: <b>May 19, 2014</b>	July N. Lade
7		UNITED STATES MAGISTRATE JUDGE
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