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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 PASQUAL GOSSELIN,

12 Plaintiff,

13 vs.

14 J. TILTON, et al.,

15 Defendants.
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1:10-cv-01974-GSA-PC

ORDER DENYING PLAINTIFF'S
REQUEST FOR JUDICIAL NOTICE
(Doc. 48.)

17 **I. BACKGROUND**

18 Pascual Gosselin ("Plaintiff") is a state prisoner proceeding pro se with this civil rights
19 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
20 October 12, 2010. (Doc. 1.) This case now proceeds on the First Amended Complaint filed by
21 Plaintiff on October 29, 2012, against defendants Adams, Hubach, Taber, and Latraille
22 ("Defendants"). (Docs. 11, 12.) Defendants' motion for summary judgment, filed on February
23 17, 2015, is pending. (Doc. 43.)

24 On April 6, 2015, Plaintiff filed a request for judicial notice. (Doc. 48.)

25 **II. REQUEST FOR JUDICIAL NOTICE**

26 "A judicially noticed fact must be one not subject to reasonable dispute in that it is
27 either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of
28 accurate and ready determination by resort to sources whose accuracy cannot reasonably be

1 questioned.” Fed. R. Evid. 201(b). “A court shall take judicial notice if requested by a party
2 and supplied with the necessary information.” Fed. R. Evid. 201(d). The court may take
3 judicial notice of court records. Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 635 n.l (N.D.
4 Cal. 1978), aff’d, 645 F.2d 699 (9th Cir.), cert. denied, 454 U.S. 1126 (1981). “Judicial notice
5 is an adjudicative device that alleviates the parties’ evidentiary duties at trial, serving as a
6 substitute for the conventional method of taking evidence to establish facts.” York v. American
7 Tel. & Tel. Co., 95 F.3d 948, 958 (10th Cir. 1996)(internal quotations omitted); see General
8 Elec. Capital Corp. v. Lease Resolution Corp., 128 F.3d 1074, 1081 (7th Cir. 1997).

9 Plaintiff requests the court to take judicial notice, “in opposition to motion for summary
10 judgment,” of five documents filed in case number 10-cv-01790-BAM-PC, Rangel v. Tilton:
11 (1) Motion for Summary Judgment, Docket #56, (2) Opposition to Motion for Summary
12 Judgment, Docket #64, (3) Opposition to Motion for Summary Judgment, Docket #76, (4)
13 Findings and Recommendations re MSJ, Docket #87, and (5) Order Adopting Findings and
14 Recommendations re MSJ, Docket #90.

15 Plaintiff has not shown good cause for the court to take judicial notice of these
16 documents. At this stage of the proceedings, these documents are not at issue. Any evidence
17 Plaintiff seeks to use in support of his opposition to Defendants’ pending motion for summary
18 judgment should be submitted with Plaintiff’s opposition. Accordingly, Plaintiff’s request for
19 judicial notice shall be denied.

20 **III. CONCLUSION**

21 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s request for judicial
22 notice, filed on April 6, 2015, is DENIED.

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25 IT IS SO ORDERED.

26 Dated: April 8, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE