

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 EMIL JOSEPH EKDAHL, ) Case No.: 1:13-cv-00542-AWI-JLT  
12 )  
13 ) ORDER GRANTING NUNC PRO TUNC  
14 ) PETITIONER'S REQUEST FOR JUDICIAL  
15 ) NOTICE  
16 )  
17 )  
18 ) (Doc. 44)  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

11 Petitioner,  
12  
13 v.  
14 RALPH DIAZ, Warden,  
15 Respondent.  
16

17 In support of his traverse, Petitioner filed a request for judicial notice of documents issued by  
18 the Board of Parole Hearings. (Doc. 44) Respondent did not oppose this request. When considering  
19 the merits of Petitioner's claims, the Court considered and relied upon these documents. (Doc. 45 at  
20 13, n. 4) However, the Court failed to explicitly rule on Petitioner's motion at that time.

21 The Court may take notice of facts that are capable of accurate and ready determination by  
22 resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); United States  
23 v. Bernal-Obeso, 989 F.2d 331, 333 (9th Cir. 1993). The record of the Board of Parole Hearings is a  
24 source whose accuracy cannot reasonably be questioned, and judicial notice may be taken of these  
25 records. Mullis v. United States Bank. Ct., 828 F.2d 1385, 1388 n.9 (9th Cir. 1987); Valerio v. Boise  
26 Cascade Corp., 80 F.R.D. 626, 635 n. 1 (N.D.Cal.1978), *aff'd*, 645 F.2d 699 (9th Cir.); see also  
27 Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989); Rodic v. Thistledown Racing  
28 Club, Inc., 615 F.2d 736, 738 (6th. Cir. 1980). Therefore, the Court **GRANTS** Petitioner's request

1 that the Court take judicial notice (Doc. 44) of the records proffered by Plaintiff nunc pro tunc.

2  
3 IT IS SO ORDERED.

4 Dated: February 12, 2016

/s/ Jennifer L. Thurston  
5 UNITED STATES MAGISTRATE JUDGE