

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES W. WINDHAM,
Plaintiff,
v.
DAVE DAVIES, et al.,
Defendants.) Case No.: 1:14-cv-01651-SAB (PC)
)
) ORDER DENYING PLAINTIFF'S
) REQUESTS FOR JUDICIAL NOTICE
)
) [ECF Nos. 17, 18]
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)

Plaintiff is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 3, 2015, the Court screened and dismissed Plaintiff's complaint with leave to amend. The amended complaint has not been filed and is not yet reviewed.

On March 27, 2015, and April 10, 2015, Plaintiff filed requests for judicial notice. (ECF Nos. 17, 18.)

Rule 201 of the Federal Rules of Evidence permits a court to take judicial notice of any facts which may be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201 (b), (d).

As an initial matter, the Court declines to take judicial notice of the administrative appeals as there is no basis to do so. Furthermore, the Court may only take judicial notice of facts contained in a state agency's records where the facts are not subject to a reasonable dispute. While some public

1 records may be the proper subject of judicial notice, the Court declines to take judicial notice of the
2 administrative appeals in this instance. The Court may not take judicial notice of documents filed with
3 an administrative agency to prove the truth of the contents of the documents. See United States v.
4 Ritchie, 342 F.3d 903, 909 (9th Cir. 2003); M/V Am. Queen v. San Diego Marine Constr. Corp., 708
5 F.2d 1483, 1491 (9th Cir. 1983).

6 Accordingly, Plaintiff's requests for judicial notice are DENIED.

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8 IT IS SO ORDERED.

9 Dated: April 13, 2015


10 UNITED STATES MAGISTRATE JUDGE
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