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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LYRALISA LAVENA STEVENS,
Plaintiff,
v.
JEFFREY A. BEARD, et al.,
Defendants.

Case No. 1:17-cv-01002-AWI-SAB (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO VACATE PRIOR JUDGMENT AND
MOTION FOR JUDICIAL NOTICE
(ECF Nos. 57, 59)

Plaintiff Lyralisa Lavena Stevens is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion to vacate the previous entry of judgment and motion for judicial notice, filed February 17, 2023. (ECF Nos. 57, 59.)

To the extent Plaintiff seeks an order vacating the prior judgment entered on March 28, 2019 (ECF No. 39), such request is moot as the United States Court of Appeals for the Ninth Circuit reversed said judgment and remanded the action back to this Court on December 19, 2022. (ECF Nos. 49, 50.) Consequently, Plaintiff’s motion to vacate the prior judgment is moot.

To the extent Plaintiff seeks an order taking judicial notice of certain documents, his request must be denied. “A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot

1 reasonably be questioned.” Fed. R. Evid. 201(b). “A court shall take judicial notice if requested
2 by a party and supplied with the necessary information.” Fed. R. Evid. 201(d).

3 The court may take judicial notice of court records. *Valerio v. Boise Cascade Corp.*, 80
4 F.R.D. 626, 635 n.1 (N.D. Cal.1978). “Judicial notice is an adjudicative device that alleviates the
5 parties' evidentiary duties at trial, serving as a substitute for the conventional method of taking
6 evidence to establish facts.” York v. American Tel. & Tel. Co., 95 F.3d 948, 958 (10th
7 Cir.1996) (internal quotations omitted); see also General Elec. Capital Corp. v. Lease Resolution
8 Corp., 128 F.3d 1074, 1081 (7th Cir.1997).

9 Plaintiff simply submits several exhibits and requests judicial notice. The Court does not
10 take judicial notice of facts in a vacuum. A request for judicial notice must be made in the
11 context of some proceeding in which the facts are to be placed in evidence. Plaintiff has not
12 demonstrated that these documents are related to his claims or that such documents are subject to
13 judicial notice.

14 Accordingly, it is HEREBY ORDERED that:

- 15 1. Plaintiff’s motion to vacate the prior judgment (ECF No. 57) is denied as moot;
16 and
17 2. Plaintiff’s motion for judicial notice (ECF No. 59) is denied.

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19 IT IS SO ORDERED.

20 Dated: February 21, 2023

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23 UNITED STATES MAGISTRATE JUDGE
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