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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 COREY WILLIAMS,  
12 Plaintiff,  
13 v.  
14 BRANDON PRICE, et al.,  
15 Defendants.

Case No. 1:18-cv-00102-LJO-SAB (PC)  
ORDER DENYING PLAINTIFF'S  
REQUEST FOR JUDICIAL NOTICE  
(ECF No. 52)

16  
17 Plaintiff Corey Williams, a civil detainee, is appearing pro se and in forma pauperis in this  
18 civil rights action pursuant to 42 U.S.C. § 1983. On January 25, 2019, Defendants Price and  
19 Ahlin filed a motion to dismiss and a request for judicial notice. (ECF Nos. 44, 45.) Plaintiff  
20 filed an opposition on February 19, 2019. (ECF No. 46.) Defendants filed a reply on February  
21 26, 2019. (ECF No. 48.) On March 14, 2019, findings and recommendations issued  
22 recommending denying Defendants' motion to dismiss. (ECF No. 49.) On March 18, 2019,  
23 Plaintiff filed a surreply which was stricken from the record. (ECF Nos. 50, 51.) On March 21,  
24 2019, Plaintiff filed a request for judicial notice in support of his surreply. (ECF No. 52.)

25 Initially, as Plaintiff's surreply has been stricken from the record, Plaintiff's request for  
26 judicial notice is moot. Further, Plaintiff seeks for the Court to take judicial notice of the fact  
27 that he was required to purchase electronic game consoles from specific vendors and encloses a  
28 page from a Walkenhorst's catalog showing that the Xbox 360 had no Wi-Fi capability. Under

1 the Federal Rules of Civil Procedure, a court may take judicial notice of a fact that is “not subject  
2 to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of  
3 the trial court or (2) capable of accurate and ready determination by resort to sources whose  
4 accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

5 Whether Plaintiff is required to purchase his gaming console from a specific vendor and  
6 the information contained on the printed page of the catalog are not the types of facts that are  
7 subject to judicial notice as they are subject to reasonable dispute. Despite the fact that the  
8 description states that the X-Box has no Wi-Fi capability, Defendants contend that the device  
9 can be modified to allow it to connect to the internet. Therefore, Plaintiff’s facts are not subject  
10 to judicial notice.

11 Accordingly, Plaintiff’s request for judicial notice is HEREBY DENIED.

12  
13 IT IS SO ORDERED.

14 Dated: March 25, 2019



UNITED STATES MAGISTRATE JUDGE