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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARMELO RODRIGUEZ,

Petitioner,

No. CIV S-10-0048 LKK GGH P

vs.

KATHLEEN L. DICKINSON, et al.,

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2008 denial of parole by the Board of Parole Hearings (BPH). Presently pending is petitioner’s June 2, 2010, motion for judicial notice. Doc. 15. Petitioner states that respondents’ answer to the petition and the Superior Court opinion affirming the BPH denial noted that the BPH relied on the finding that “the motive [for the crime] was very trivial in relation to the offense.” Petitioner contends that the BPH never made this statement at the 2008 hearing.

However, a review of the BPH decision indicates that the BPH stated “The motive for the crime was frankly inexplicable in relation to the offense.” BPH decision at 83. Thus, it is clear the BPH did state words to the effect that the motive for the crime was trivial.

At this time the undersigned takes no position regarding the validity of this

1 statement vis-a-vis the denial of parole. For purposes of the instant motion for judicial notice, it  
2 is clear that the BPH made the statement, therefore the motion is denied.

3                   Accordingly, IT IS HEREBY ORDERED that petitioner's motion for judicial  
4 notice (Doc. 15) is denied.

5 DATED: September 21, 2010

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7                   /s/ Gregory G. Hollows

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9 GREGORY G. HOLLOWES  
10 UNITED STATES MAGISTRATE JUDGE

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