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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. SAAVEDRA,
Plaintiff,
v.
KELLY HARRINGTON, et al.,
Defendants.

No. 2:15-cv-0898 AC P

ORDER GRANTING DEFENDANTS’
MOTION TO APPLY LOCAL RULE 230

Plaintiff was incarcerated when he initiated this action, but appears to have been released from custody as indicated by the change of address subsequently filed with the court (ECF No. 8).¹ Pursuant to the court’s Order Directing Service dated July 10, 2017 (see ECF No. 14 at 3), defendants have requested that the non-prisoner provisions of Local Rule 230 be applied in this case in lieu of Local Rule 230(l), which applies when a party is incarcerated. ECF No. 19.

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¹ Review of the Inmate Locator website operated by CDCR also indicates that plaintiff is no longer incarcerated under its authority. See <http://inmatelocator.cdcr.ca.gov/search.aspx>. See also Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned); see also City of Sausalito v. O’Neill, 386 F.3d 1186, 1224 n.2 (9th Cir. 2004) (“We may take judicial notice of a record of a state agency not subject to reasonable dispute.”).

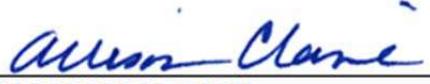
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Defendants' motion will be granted. If motion hearings are warranted at a later date, plaintiff may timely request telephonic appearance by contacting the Courtroom Deputy at (916) 930-4199 at least two days prior to the hearing.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Defendants' request filed November 9, 2017, ECF No. 19, is GRANTED.
2. The non-prisoner provisions of Local Rule 230 will now apply to this case in lieu of Local Rule 230(1).
3. All current orders and discovery and scheduling deadlines are to remain in full force and effect.

DATED: November 16, 2017.



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE