

1 XAVIER BECERRA
 Attorney General of California
 2 ROBERT W. BYRNE
 SALLY MAGNANI
 3 MICHAEL L. NEWMAN
 Senior Assistant Attorneys General
 4 MICHAEL P. CAYABAN
 CHRISTINE CHUANG
 5 EDWARD H. OCHOA
 Supervising Deputy Attorneys General
 6 HEATHER C. LESLIE
 LEE I. SHERMAN
 7 JANELLE M. SMITH
 JAMES F. ZAHRADKA II (SBN 196822)
 8 Deputy Attorneys General
 1515 Clay Street, 20th Floor
 9 Oakland, CA 94612
 Telephone: (510) 879-1247
 10 E-mail: James.Zahradka@doj.ca.gov
 Attorneys for Plaintiff State of California

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 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 OAKLAND DIVISION

16 **STATE OF CALIFORNIA et al.;**
 17 Plaintiffs,
 18
 19 v.
 20 **DONALD J. TRUMP, in his official**
capacity as President of the United States of
 21 **America et al.;**
 22 Defendants.

Case No. 4:19-cv-00872-HSG
**SECOND SUPPLEMENTAL REQUEST
 FOR JUDICIAL NOTICE IN SUPPORT
 OF PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**
 Date: May 17, 2019
 Time: 10:00 a.m.
 Dept: 2
 Judge: The Honorable Haywood S.
 Gilliam, Jr.
 Trial Date: None Set
 Action Filed: February 18, 2019

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1 Plaintiffs hereby respectfully request, pursuant to Federal Rule of Evidence 201, that this
2 Court take judicial notice of the following documents:

- 3 • Attached hereto as **Exhibit 54** is a true and correct copy of a May 8, 2019, letter from the
4 Office of the New Mexico Commissioner of Public Lands to U.S. Customs and Border
5 Protection. As of May 9, 2019, the letter is posted on the Commissioner Office’s website at
6 http://www.nmstatelands.org/uploads/files/CBP%20Comment%20Letter%205_8_19.pdf.
- 7 • Attached hereto as **Exhibit 55** is a true and correct copy of a report published by the Treasury
8 Executive Office for Asset Forfeiture entitled “Congressional Budget
9 Justification and Annual Performance Report and Plan FY 2020.” As of May 9, 2019, the
10 complete report is posted on the Department of Treasury’s website at
11 <https://home.treasury.gov/system/files/266/19.-TEOAF-FY-2020-CJ.pdf>.

12 These exhibits are matters of public record and therefore subject to judicial notice. Fed. R.
13 Evid. 201(b); *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (a court may
14 judicially notice matters of public record unless the matter is a fact subject to reasonable dispute).

15 These exhibits are judicially noticeable because government memoranda, bulletins, letters,
16 statements and opinions are matters of public record appropriate for judicial notice. *See Brown v.*
17 *Valoff*, 422 F.3d 926, 933 n.9 (9th Cir. 2005) (judicially noticing an administrative bulletin);
18 *Mack v. S. Bay Beer Distribs., Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986) (court may take judicial
19 notice of records and reports of state administrative bodies), overruled on other grounds by
20 *Astoria Fed. Sav. & Loan Ass’n v. Solimino*, 501 U.S. 104, 111 (1991); *Interstate Nat. Gas. Co. v.*
21 *S. Cal. Gas. Co.*, 209 F.2d 380, 385 (9th Cir. 1953) (judicially noticing government agency
22 records and reports); *Cnty. of Santa Clara v. Trump*, 250 F. Supp. 3d 497, 520 nn.5, 8, 11 (N.D.
23 Cal. 2017) (taking judicial notice of government memoranda and letters).

24 These exhibits are also judicially noticeable because they are posted on official government
25 websites. *See Daniels–Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir. 2010) (judicially
26 noticing information contained on a government website); *Paralyzed Veterans of America v.*
27 *McPherson*, No. C 06–4670 SBA, 2008 WL 4183981, at *5 (N.D. Cal. Sept. 9, 2008) (finding
28 that courts commonly take judicial notice of information and documents on government websites,

1 citing cases from various jurisdictions). Thus, the statements of government departments and
2 agencies contained within this exhibit are not subject to reasonable dispute, as the statements “can
3 be accurately and readily determined from sources whose accuracy cannot reasonably be
4 questioned.” Fed. R. Evid. § 201(b)(2).

5 Dated: May 10, 2019

6 Respectfully Submitted,

7 XAVIER BECERRA
8 Attorney General of California
9 ROBERT W. BYRNE
10 SALLY MAGNANI
11 MICHAEL L. NEWMAN
12 Senior Assistant Attorneys General
13 MICHAEL P. CAYABAN
14 CHRISTINE CHUANG
15 EDWARD H. OCHOA
16 Supervising Deputy Attorneys General
17 HEATHER C. LESLIE
18 LEE I. SHERMAN
19 JANELLE M. SMITH

20 */s/ James F. Zahradka II*
21 JAMES F. ZAHRADKA II
22 Deputy Attorneys General
23 *Attorneys for Plaintiff State of California*
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25
26
27
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