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6 UNITED STATES DISTRICT COURT  
7 SOUTHERN DISTRICT OF CALIFORNIA  
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9 KYLE ROBERT JAMES,

10 Plaintiff,

11 v.

12 DEPUTY EMMENS, et al.,

13 Defendants.

Case No.: 16cv2823 WQH (NLS)

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO TAKE JUDICIAL  
NOTICE OF APPELLATE OPINION**

**[ECF No. 62]**

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15 Plaintiff Kyle Robert James, proceeding *pro se* and *in forma pauperis*, filed this  
16 civil rights action under 42 U.S.C. § 1983. On November 6, 2017, Plaintiff filed a letter  
17 requesting that the Court take judicial notice of a recent order by the California Court of  
18 Appeal wherein Plaintiff contends that his conviction was reversed. ECF No. 62.  
19 Plaintiff fears that as a result of this order, he will be returned to the custody of Sheriff  
20 Gore. *Id.* Plaintiff did not attach a copy of the appellate court's opinion.

21 The Court may take judicial notice of "a fact that is not subject to reasonable  
22 dispute because it . . . can be accurately and readily determined from sources whose  
23 accuracy cannot reasonably be questioned." Fed. R. Evid. 201. This includes  
24 proceedings and records from other courts in other cases that directly relate to the case at  
25 hand. *Bias v. Moynihan*, 508 F.3d 1212, 1225 (9th Cir. 2007). Here, though Plaintiff did  
26 not supply it, the Court was able to locate in public state court records an order filed by  
27 the California Court of Appeal, Fourth Appellate District, Division One, in the case of  
28 *The People v. Kyle James*, D071081 (Sept. 15, 2017) (*available at*

1 [http://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=41&doc\\_id](http://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=41&doc_id)  
2 [=2156273&doc\\_no=D071081](http://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=41&doc_id=2156273&doc_no=D071081)). Therein, the Court of Appeal reversed the judgment and  
3 remanded the matter to the trial court for further proceedings. Because the existence and  
4 disposition of this order are not subject to reasonable dispute and may readily be  
5 confirmed, the Court will take judicial notice of this order. However, because Plaintiff  
6 has not presented any evidence to the Court that indicates that he will be relocated as a  
7 result of this order, no further relief is available at this time.

8 **IT IS SO ORDERED.**

9 Dated: November 16, 2017

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11 Hon. Nita L. Stormes  
12 United States Magistrate Judge  
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