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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MICHAEL FOLEY,

Plaintiff,

v.

CHRISTOPHER HERMES, et al.,

Defendants.

Case No. 2:16-cv-02369-APG-PAL

**ORDER**

(Mot Strike – ECF No. 22)

Before the court is Defendants’ Motion to Strike (ECF No. 22) Plaintiff’s Request for Judicial Notice, or in the Alternative, Response to Plaintiff’s Request for Judicial Notice. The court has considered the motion, and plaintiff’s Response (ECF No. 24).

Plaintiff Michael Foley’s Request for Judicial Notice (ECF No. 21) asks the court to take judicial notice of a state court decision and order in a case filed against CCSD and others involving claims brought under Title IX, 42 U.S.C. § 1983, and NRS 388.135 alleging two students were bullied and harassed at school. The state court found that CCSD violated Title IX and plaintiffs’ substantive due process rights under the Fourteenth Amendment and the plaintiffs were entitled to judgment on these two claims. Plaintiff asks the court to take judicial notice of a news article reporting that CCSD was set to revamp its anti-bullying policy.

Defendants seek to strike his request as an unauthorized and fugitive document. Plaintiff opposes the motion arguing the recent state court decision and article support his claims against the CCSD defendants in this case, and will “better inform the court of the pattern of practices and policies that lead to the problems identified by this Plaintiff.”

Having reviewed and considered the matter, the court will grant the motion to strike. The request for judicial notice is not related to any pending motion filed by either side. Rather, it appears plaintiff is attempting to inform the court of his view that, because CCSD has been found

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liable for violations in an unrelated case, the court should consider the state court's findings as evidence the CCSD defendants have engaged in the conduct complained of in this case.

**IT IS ORDERED:**

1. Defendants' Motion to Strike (ECF No. 22) is **GRANTED**.
2. The Clerk of the Court shall **STRIKE** Plaintiff's Request for Judicial Notice (ECF No. 21) from the court's docket.

DATED this 23rd day of October, 2017.

  
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PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE