

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD POTTS,

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Plaintiff,

CIVIL ACTION NO. 3:09-cv-1805

v.

(JUDGE CAPUTO)

RONNIE HOLT, et al.,

(MAGISTRATE JUDGE CARLSON)

Defendants

**MEMORANDUM ORDER**

Presently before the Court is Plaintiff’s “Motion Filed Pursuant to Rule 201(d) Judicial Notice of Adjudicative Facts.” (Doc. 35.) The facts for which Plaintiff seeks to have this Court take judicial notice are: 1) Plaintiff complained about the Bureau of Prisons (“B.O.P”) in his original complaint and that the staff of the B.O.P. has “circumvented” the administrative remedy process, 2) plaintiff is “experiencing administrative remedy restraints,” 3) the dates on which he mailed documentation to various administrative agencies within the B.O.P., and 4) that Plaintiff did not receive a rejection of his administrative remedy until eleven days after it was signed.

Federal Rule of Evidence 201(b) states that a fact can be subject to judicial notice if it is “one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Rule 201(d) requires a court to take judicial notice “if requested by a party and supplied with the necessary information.”

Here, the facts for which Plaintiff seeks judicial notice are not appropriate pursuant to Rule 201(b). They are subject to reasonable dispute, not generally known in this jurisdiction

and not capable of accurate determination by sources whose accuracy cannot reasonably be questioned. Thus, this motion will be denied.

**NOW**, this 9th day of June, 2010, **IT IS HEREBY ORDERED THAT** Plaintiff's "Motion Filed Pursuant to Rule 201(d) Judicial Notice of Adjudicative Facts" (Doc. 35) is **DENIED**.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge