



USA v. Saenz et al

2018 | Cited 0 times | W.D. North Carolina | October 29, 2018

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH
CAROLINA

CHARLOTTE DIVISION

3:07-CR-00195-RJC

THIS MATTER for Judicial Notice Pursuant to Rule 201. (Doc. No. 245).

The Court entered its Judgment on March 16, 2009, (Doc. No. 182), which the defendant did not appeal or collaterally attack. In the instant motion, it appears that he is attempting to use a Rule of Evidence to challenge the subject matter jurisdiction over his case. (Doc. No. 245: Motion at 3). Rule 201 allows the Court to take judicial notice of adjudicative facts during a proceeding. Here, there is no pending proceeding. The defendant specifically states his challenge is not to be construed as a motion under 28 U.S.C. §§ 2255 or 2241 or Rule 60(b) of the Federal Rules of Civil Procedure; however, he has not shown any authority for using a Rule of Evidence as a procedural vehicle to attack a final judgment.

IT IS, THEREFORE ORDERED , (Doc. No. 245), is DENIED. USA) v.) ORDER

EDUARDO SAENZ (1)

Signed: October 29, 2018

