

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO ex rel KENNETH GOMEZ,**

Plaintiff,

vs.

**No. CIV 10-00594 JP/LFG**

**ELEVENTH JUDICIAL DISTRICT COURT,**

Defendant.

**DEFENDANT'S RESPONSE TO MOTION FOR  
JUDICIAL NOTICE OF PERTINENT EVIDENCE *[Docket No. 23]***

Defendant, Eleventh Judicial District Court, through its attorneys Robles, Rael & Anaya, P.C. (Luis Robles, Esq.) states the following for its Response to Motion for Judicial Notice of Pertinent Evidence *[Docket No. 23]*:

With his motion, Gomez asks the Court to deem provisions of the New Mexico Constitution and statutes as evidence. *See [Docket No. 23, pp. 1-2]*. However, Gomez' selected provisions from New Mexico statute and constitution are not adjudicate facts as defined by Federal Rule of Evidence 201. Certainly, state constitutions and statues do not fall under Federal Rule of Civil Procedure 44.1. Thus, neither Federal Rule of Evidence 201 nor Federal Rule of Civil Procedure 44.1 require this Court to grant Gomez' motion.

**WHEREFORE**, Defendant respectfully requests that this Court enter an Order, which grants the following relief:

A. Denies Gomez' Motion for Judicial Notice of Pertinent Evidence *[Docket No. 23]*;

- B. Awards Defendant its attorney's fees and costs; and
- C. Orders all other relief this Court deems just and proper.

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

By: /s/ Luis Robles  
Luis Robles  
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I hereby certify that on this  
19<sup>th</sup> day of July 2010, the  
foregoing was electronically  
served through the CM/ECF  
system to the following:

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/s/ Luis Robles  
Luis Robles