

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

JOHN ANTHONY CASTRO )  
12 Park Place, Mansfield, TX 76063 )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SECRETARY OF STATE ANDREW )  
WARNER and DONALD JOHN TRUMP, )  
 )  
Defendants. )

Case No. 2:23-cv-00598  
The Honorable Irene C. Burger

**VERIFIED OBJECTION, MOTION TO BE HEARD, AND  
MOTION FOR RECONSIDERATION**

In accordance with Fed. R. Evid. 201(e), Plaintiff is “entitled to be heard on the propriety of taking judicial notice and the nature of the facts to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is *still* entitled to be heard.”

This Court took judicial notice of adjudicative facts in another case without notice to Plaintiff. The drafters of the rules could not have been more clear: Plaintiff is entitled to be heard.

The Arizona court improperly relied on hearsay in media reports regarding alleged out-of-court statements made by Plaintiff. It was improper for the Arizona court to do so and improper for this Court to do so. Plaintiff hereby objects to any reliance on those adjudicative facts since they improperly relied upon hearsay that is being properly addressed here.

Plaintiff moves this Court to reconsider its premature disposition of the case. First, it relied on hearsay. Second, it denied Plaintiff an opportunity to be heard on taking notice of the hearsay in other cases. Third, now that the hearsay objection is documented, Plaintiff demands the Court address it.

Plaintiff clarified the need to amend his complaint in two weeks after he files to be on the ballot in West Virginia. As such, the Court should have postponed consideration of this matter.

**RELIEF REQUESTED**

In accordance with Fed. R. Evid. 201(e), Plaintiff demands a hearing to be heard on the propriety of this Court taking judicial notice of adjudicative facts in other cases on the grounds that it relies on improper hearsay.

Plaintiff moves this Court to reconsider its granting of Defendant Donald John Trump's motion for summary judgment.

Dated: December 26, 2023.

Respectfully submitted,

By: /s/ John Anthony Castro  
John Anthony Castro  
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**Plaintiff Pro Se**

**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I John Anthony Castro, verify under penalty of perjury, that the all of the statements of fact and law herein are true and correct.

Executed on December 26, 2023.

/s/ John Anthony Castro  
John Anthony Castro

**CERTIFICATE OF SERVICE**

On December 26, 2023, I submitted the foregoing document with the Clerk of this Court either by mail, email, or CM/ECF. It is further certified that all other parties are registered CM/ECF users and will be served via that system.

/s/ John Anthony Castro  
John Anthony Castro