

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-3099
)	
ROBIN L. SANDERS,)	
)	
Defendant.)	

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This matter is before the Court on the United States' Amended Motion for Summary Judgment (d/e 9). The Complaint (d/e 1) in the instant matter asserts that Defendant Robin Sanders is indebted to Plaintiff the United States of America, for student loan debt in the amount of \$5,746.39 (specifically, \$4,061.36 in principal, \$1,335.03 in agency accumulated interest, and \$350.00 in court costs), as well as additional interest at the annual rate of 8.25% from April 17, 2009, until the date of judgment. Plaintiff filed the Amended Motion for Summary Judgment after receiving Defendant's responses to requests to admit. Sanders failed to respond to the Amended Motion for Summary Judgment, despite being

granted additional time to do so. See Text Order, dated January 6, 2010.

For the reasons set forth below, the Amended Motion for Summary Judgment is allowed.

The following facts are deemed admitted based on Defendant's failure to respond to the Amended Motion for Summary Judgment. See Local Rule 7.1(D)(2). They are also supported by the record evidence. Sanders had student loan debt prior to 2001. In February 2001, Sanders entered into a Federal Direct Consolidation Loan. See Amended Motion for Summary Judgment, p. 3 & Ex. C.

Plaintiff has produced certified records from the Department of Education establishing that the consolidation loan was disbursed on March 19, 2001 in the amount of at least \$4,822.49 at an annual interest rate of 8.25%.¹ Amended Motion for Summary Judgment, Ex. B. The records further reveal that a total of \$2,371.64 in payments was credited against the consolidation loan and that Sanders defaulted on the loan on May 18, 2003. According to the certified records, as of April 17, 2009, Sanders

¹The certified records from the Department of Education represent that disbursement was made in the amount of \$4,822.49, while the promissory note and the computer account transaction records show slightly higher amounts, \$4,878.79 and \$4,865.34, respectively. Amended Motion for Summary Judgment, Ex. B, Ex. C, p. 2, & Ex. D, p. 5.

owed the United States \$4,061.36 in principal and \$1,335.03 in interest, with interest accruing at the rate of \$.92/day. During discovery, Sanders did not admit that these numbers were correct; however, at summary judgment, she failed to come forward to challenge them and, thus, has failed to identify any admissible evidence to the contrary. Moreover, Sanders admits that she has no record of payments and “no idea anymore” of any other payments made on the consolidated loan. Amended Motion for Summary Judgment, Ex. 1, p. 1 & 3. Therefore, the undisputed facts establish that Sanders is indebted to the United States as set forth above, and summary judgment is appropriate.

THEREFORE, the United States’ Amended Motion for Summary Judgment (d/e 9) is ALLOWED. Summary judgment is granted in favor of the United States and against Defendant Robin Sanders in the amount of \$6,012.27, which includes the following:

- \$4,061.36 in principal;
- \$1,335.03 in interest accumulated as of April 17, 2009;
- \$265.88 in interest accumulated from April 18, 2009, through the date of judgment; and

– \$350.00 in court costs.²

All pending motions are denied as moot. This case is closed.

IT IS THEREFORE SO ORDERED.

ENTER: February 2, 2010

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE

²The Court includes court costs in the amount of \$350.00 in the judgment because Sanders is contractually obligated under the applicable promissory note to pay “collection costs including but not limited to attorney’s fees and court costs.” Amended Motion for Summary Judgment, Ex. C, p. 3.