

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 4:16-cv-04074-SLD

APPROXIMATELY 64 DOGS,

Defendants.

ORDER

On October 5, 2016, the United States moved for an Emergency Motion of Default to protect the welfare of the dogs seized in the instant civil asset forfeiture proceeding. ECF No. 24. The motion is GRANTED.

Default must be entered against a party from “whom a judgment for affirmative relief is sought [but] has failed to plead or otherwise defend,” Fed. R. Civ. P. 55(a), and, in its discretion, a district court may grant a party’s subsequent motion for default judgment, Fed. R. Civ. P. 55(b); *see also In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004). A default judgment establishes a defendant’s liability as a matter of law. *Dundee Cement Co. v. Howard Pipe & Concrete Products, Inc.*, 722 F.2d 1319, 1323 (7th Cir. 1983); *Breuer Elec. Mfg. Co. v. Toronado Sys. of Am., Inc.*, 687 F.2d 182, 186 (7th Cir. 1982). Pursuant to Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the government must provide notice and a copy of the complaint to potential claimants, who are required to file a claim and then an answer with the district court. Supplemental Admiralty and Maritime Claims Rule G(4)–(5). The claim may not be filed later than 30 days after the United States’ complaint, nor later than 30 days after the date of final publication of notice of the filing of the complaint. 18 U.S.C. § 983(a)(4)(A).

According to the verified Complaint, executed on April 15, 2016, law enforcement received information about the existence of an illegal dogfighting operation, and officers were presented with photos, videos, and online postings by the defendants revealing that the individuals named herein were participating in the operation. *See* Compl., ECF No. 1. The dogs were seized on April 14, 2016, and are now being held by the American Society for the Prevention of Cruelty to Animals (“ASPCA”), which assisted in seizing the dogs and has been providing them medical care and shelter. *Id* at 10.

The Government provided direct notice of the forfeiture action to Ryan Hickman, Stantrel Knight, Marcus Holmes, Maudie Traywick, Shurmean Carter, Yolanda Goldsmith, Iesha Jones, Timon Mayfield, Elex Roberts, Phyllis McCoy, Traneisha Jordan, Rudolph Hall, Simmeon Hall and Deaguise Hall. ECF Nos. 3, 4, 8. Each of these individuals was served with Notice of a Civil Forfeiture Action and a verified Complaint by certified mail and by the U.S. Mail. *Id*. Further, the Government published notice of the forfeiture on the official government website, www.forfeiture.gov, as required by Rule G(4)(a)(iv)(C). Declaration of Publication 5, ECF No. 23. The last publication occurred on June 22, 2016. *Id*.

In accordance with 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(4) and (5), the dates for the individuals named herein to file a claim on the property has long passed. Ryan Hickman, Stantrel Knight, Marcus Holmes, Maudie Traywick, Shurmean Carter, Yolanda Goldsmith, Iesha Jones, Timon Mayfield, Elex Roberts, Phyllis McCoy, Traneisha Jordan, Rudolph Hall, Simmeon Hall and Deaguise Hall have not filed a claim or answer seeking to contest forfeiture of any of the 64 defendant dogs. Based on their failure to appear, these individuals are defaulted and foreclosed from contesting forfeiture of any of the 64 defendant dogs. The Court finds it appropriate to enter default against Ryan Hickman, Stantrel Knight,

Marcus Holmes, Maudie Traywick, Shurmean Carter, Yolanda Goldsmith, Iesha Jones, Timon Mayfield, Elex Roberts, Phyllis McCoy, Traneisha Jordan, Rudolph Hall, Simmeon Hall and Deaguise Hall, and against the following twenty-seven dogs on which no claims have been made:

a. Fifteen pit bull dogs seized from at 514 14th Avenue, Rock Island, Illinois (CATS ID: 16-FBI-002706):

- 1 Black and White Female Pit Bull - Serial No: IL-1A-01
- 1 Black and White Male Pit Bull - Serial No: IL-1A-02
- 1 Black Male Pit Bull - Serial No: IL-1A-03
- 1 Brown and White Female Pit Bull - Serial No: IL-1A-04
- 1 Brown and White Female Pit Bull - Serial No: IL-1A-06
- 1 Black and White Male Pit Bull - Serial No: IL-1A-07
- 1 Black Female Pit Bull - Serial No: IL-1A-08
- 1 Tan and White Female Pit Bull - Serial No: IL-1A-09
- 1 Black and White Female Pit Bull - Serial No: IL-1A-10
- 1 Tan and Black Male Pit Bull - Serial No: IL-1A-11
- 1 Tan and Black Male Pit Bull - Serial No: IL-1A-12
- 1 Black and White Male Pit Bull - Serial No: IL-1A-13
- 1 Black and White Female Pit Bull - Serial No: IL-1A-14
- 1 Black and White Male Pit Bull - Serial No: IL-1A-15
- 1 Tan and Black Female Pit Bull - Serial No: IL-1A-16

b. Five pit bull dogs seized from 508 6th Street, Rock Island, Illinois (16-FBI- 002708):

- 1 Brown Male Pit Bull - Serial No: IL-2C-01
- 1 Black and White Female Pit Bull - Serial No: IL-2C-02
- 1 Black Male Pit Bull - Serial No: IL-2C-03
- 1 Black Male Pit Bull - Serial No: IL-2C-04
- 1 Black and White Pit Bull - Serial No: IL-2C-05

c. Six pit bull dogs Seized from 4002 20th Avenue, Rock Island, Illinois (16-FBI-002723):

- 1 Tan Female Pit Bull - Serial No: IL-7E-01
- 1 Tan Female Pit Bull - Serial No: IL-7E-02
- 1 Tan Male Pit Bull - Serial No: IL-7E-03
- 1 Black and White Male Pit Bull - Serial No: IL-7E-05
- 1 Black and White Female Pit Bull - Serial No: IL-7E-06
- 1 Black and White Male Pit Bull - Serial No: IL-7E-07

d. One pit bull dog seized from 914 14th Avenue, Rock Island, Illinois (16-FBI-002733):

- 1 Grey and White Female Pit Bull - Serial No: IL-9E-01

CONCLUSION

The Court GRANTS the Government's Motion for Default, ECF No. 24, pursuant to Rule 55(a). The Government shall file a motion for default judgment within 14 days from the date of this order or risk the case's dismissal for lack of prosecution.

Entered November 10, 2016.

s/ Sara Darrow

SARA DARROW
UNITED STATES DISTRICT JUDGE