

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY 64 DOGS,

Defendants.

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

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 Court granted the motion on November 10, 2016, ECF No. 25, and the United States immediately filed the instant Motion for Default Judgment, ECF No. 26. For the following reasons, 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). Further, Federal Rule of Procedure 54(b) allows the Court to direct partial entry of judgment as to one or more, but not all, claims in an action if the Court finds “no just reason for delay.” Fed.R.Civ. P. 54(b).

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.* The Court previously entered default against the noticed individuals on November 10, 2016, because they were properly served and had failed to plead or otherwise defend. *See* Nov. 10, 2016 Order. Nothing has changed since that date, except the increased urgency of rehabilitating the dogs.

The 14 defaulted potential claimants are not infants or incompetent persons and are not in the military within the purview of the Soldiers and Sailors Civil Relief Act of 1940, as amended. The unchallenged allegations of the Government's verified forfeiture complaint establish that the 27 defaulted dogs were involved in, in any manner or part, the commission and/or facilitation of the commission of a violation of 7 U.S.C. § 2156 (animals involved in a violation of the Animal Welfare Act) and 15 U.S.C. §§ 1172-1175 (animals used as gambling devices), and are therefore subject to forfeiture to the United States, pursuant to 15 U.S.C. § 1177 and 7 U.S.C. § 2156(f).

Therefore, 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, foreclosing their ability to contest the forfeiture of the dogs, 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 Judgment, ECF No. 26. The Court finds no just reason for delay, and directs entry of final judgment as to the 27 defaulted defendant dogs and the 14 defaulted potential claimants pursuant to Rule 54(b). Pursuant to 15 U.S.C § 1177 and 7 U.S.C. § 2156(f), the U.S. Marshal Service may dispose of the 27 defaulted

defendant dogs according to law, including, if appropriate, transferring all right, title, and interest in any of these 27 dogs to a shelter or other appropriate organization.

Entered December 2, 2016.

s/ Sara Darrow

SARA DARROW
UNITED STATES DISTRICT JUDGE