

E-FILED  
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Clerk, U.S. District Court, ILCD

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

Before the Court is the United States' ("the Government") Motion for Default Judgment and Entry of an Order of Forfeiture and Rule 54(b) Entry of Judgment Against Two Defendant Dogs and Against Willie Jackson, ECF No. 52. On May 18, 2017, the Court granted the Government's Motions for Default and Motion to Strike Claim, ECF No. 47, and the Government subsequently filed the instant Motion for Default Judgment, ECF No. 52. 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 Civil 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 Willie Jackson. ECF No. 3. He 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](http://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 Willie Jackson on May 18, 2017, because he was properly served and failed to properly plead or defend. *See* May 18, 2017 Order. Nothing has changed since that date, except the increased urgency of rehabilitating the dogs.

The defaulted potential claimant is not an infant or incompetent person and is 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 two 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 judgment against Willie Jackson, foreclosing his ability to contest the forfeiture of the dogs, and against the following two dogs on which no claims have been made:

- a. Two pit bull-type dogs seized from 1514 9th Street, Rock Island, Illinois (CATS: 16-FBI-002718):
  - 1 Black and White Male Pit Bull - Ser No: IL-5B-01
  - 1 Brindle Female Pit Bull Puppy -Ser No: IL-5B-02

## CONCLUSION

The Court GRANTS the Government's Motion for Default Judgment, ECF No. 52. The Court finds no just reason for delay, and directs entry of final judgment as to the two defaulted defendant dogs and the claimant Willie Jackson 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 two defendant dogs according to law, including, if appropriate, transferring all right, title, and interest in any of these two dogs to a shelter or other appropriate organization.

Entered June 26, 2017.

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s/ Sara Darrow  
SARA DARROW  
UNITED STATES DISTRICT JUDGE