

IN THE  
 UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION

United States of America ex rel.,	)	
CHRISTOPHER SCOTT,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 11 C 3442
	)	
MIKE ATCHISON, Warden,	)	
Menard Correctional Center,	)	The Honorable
	)	Robert W. Gettleman,
Respondent.	)	Judge Presiding.

**MOTION FOR ENTRY OF A RULE 58 JUDGMENT**

In accordance with Fed. R. Civ. P. 58(d), respondent MIKE ATCHISON moves this Court to enter its judgment denying habeas corpus relief in a separate document. In support, respondent states as follows:

1. On August 2, 2012, this Court entered a memorandum opinion and order denying petitioner Christopher Scott’s habeas corpus petition. *See* Doc. 34. The Court also denied petitioner’s motion to issue subpoenas and declined to issue a certificate of appealability. *See id.*

2. Because this Court has denied habeas relief, it should set out its judgment to that effect in a separate document.

3. Federal Rule of Civil Procedure 58 provides, with immaterial exceptions, that “[e]very judgment or amended judgment must be set out in a separate document[.]” Fed. R. Civ. P. 58(a). The rule further provides that “[a]

party may request that judgment be set out in a separate document as required by Rule 58(a).” Fed. R. Civ. P. 58(d).

4. The Seventh Circuit has “remind[ed] litigants that if the [district] court has not entered a proper Rule 58 judgment on a separate document, the parties should ask the court to do so.” *Perry v. Sheet Metal Workers’ Local No. 73 Pension Fund*, 585 F.3d 358, 362 (7th Cir. 2009). “[T]here is good reason” to request the entry of a Rule 58 judgment, the court explained, because that document “clarifies what the ultimate result is, benefitting both the parties (for purposes of enforcement and clarity of legal obligation) and the judicial system (for providing a clear time period for taking an appeal).” *Id.*

5. For these reasons, this Court should set out its judgment denying habeas corpus relief in a separate document as required by Fed. R. Civ. P. 58(a).

August 21, 2012

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that on August 21, 2012, I electronically filed the foregoing **Motion For Entry Of A Rule 58 Judgment** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, and on the same date mailed a copy of that document via the United States Postal Service to the following non-CM/ECF user:

Christopher Scott, R31806  
Menard Correctional Center  
P.O. Box 1000  
Menard, Illinois 62259

s/ Michael R. Blankenheim  
MICHAEL R. BLANKENHEIM