

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

**FILED**

FEB 14 2011

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

Montorio C. Hines,  
Plaintiff,

VS.

CASE No. 07C50205

Darcy Wild, et al.,  
Defendant.

MOTION FOR JUDGEMENT BY DEFAULT

NOW COME the plaintiff, Montorio C. Hines, pro se, and moves this Honorable Court pursuant to Rule 55 of the Federal Rules of Civil Procedure, to ENTER AN ORDER FOR DEFAULT AGAINST DEFENDANTS, AND IN SUPPORT THEREOF STATE AS FOLLOWS:

1. DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE 12(b)(6) FED. R. CIVIL P. WAS HEARD ON SEPTEMBER 15, 2010, GRANTED IN PART AND DENIED IN PART AS TO CERTAIN DEFENDANTS AND REGARDING CERTAIN COUNTS OF THEIR MOTION.

2. PLAINTIFF FILED A MOTION TO ALTER OR AMEND JUDGEMENT PURSUANT TO FED. R. CIV. P. 59(e) WITH OBJECTION WHICH WAS HEARD AND DENIED ON OCTOBER 8, 2010.

3. SINCE DEFENDANTS FILING OF MOTION TO DISMISS TOLLS OR SUSPENDS THE TIME BY WHICH A DEFENDANT MUST ANSWER PLAINTIFF'S SECOND AMENDED COMPLAINT, BY NO MEANS RELIEVE THEM OF THEIR DUTIES TO COMPLY WITH THE FEDERAL RULES OF CIVIL PROCEDURE 12(a)(4), THEY MUST ANSWER.

4. DEFENDANTS HAVE FAILED TO SUBMIT AN ANSWER TO THE ALLEGATIONS IN PLAINTIFF'S SECOND AMENDED COMPLAINT WHICH, AFTER DEFENDANTS FILED THEIR MOTION TO DISMISS, THEY MUST HAVE FILED THEIR ANSWER WITHIN 10 DAYS AFTER THE COURT DENIED THEIR MOTION, FED. R. CIV. P. 12(c)(4).

5. ADDITIONALLY, DEFENDANTS' HAVE NOT FILED A MOTION FOR EXTENSION OF TIME FOR MORE TIME TO TURN IN AN ANSWER OR ANY OTHER MOTION, THEY'RE SIMPLY NEGLECTING THIS PROCESS UPON THE INCOMPETENCE OF THE PLAINTIFF WHO IS PROSE AND UNFAMILIAR WITH THE RULES AND CURRENT COMPLEX QUESTIONS PERTAINING TO LAW PRESENTED IN THIS CASE.

6. DEFENDANTS' WERE NOT IN MILITARY SERVICE AND IS NOT AN INFANT OR INCOMPETENT AS APPEARS IN THE DECLARATION OF MONTORIO C. HINES SUBMITTED HEREWITH.

WHEREFORE, PLAINTIFF MOVES THAT THIS COURT MAKE AND ENTER A JUDGEMENT THAT SUCH AN AMOUNT OR REWARD BE DETERMINED BY A JURY FOR THE REMAINDER OF COUNTS LEFT IN HIS SECOND AMENDED COMPLAINT, AND WHATEVER ELSE THE COURT DEEMS JUST AND EQUITABLE.

Respectfully Submitted,

Dated: February 9, 2011

/s/ Montorio C. Hines  
MONTORIO C. HINES, PRO SE  
No. K57156  
PICKWEYVILLE C.C.  
P.O. Box 999  
PICKWEYVILLE, IL 62274

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Defendant.

DECLARATION FOR ENTRY OF DEFAULT

MONTORIO C. HINES, hereby declares:

I AM THE PLAINTIFF HEREIN. THE COMPLAINT HEREIN WAS FILED ON THE 2<sup>ND</sup> DAY OF DECEMBER, 2009 [SECOND AMENDED COMPLAINT].

DEFENDANTS MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6) WAS HEARD, GRANTED IN PART, DENIED IN PART, ON 15<sup>TH</sup> OF SEPTEMBER, 2010 BY ASSIGNED DISTRICT COURT JUDGE PHILIP G. REINHARD.

MORE THAN 10 DAYS HAVE ELAPSED SINCE THE DATE ON WHICH THE DEFENDANTS MOTION TO DISMISS WAS DENIED OR, IN ALTERNATIVE, THE DENIAL OF PLAINTIFF'S MOTION TO AMEND OR ALTER JUDGEMENT FED. R. CIV. P. 59(c) ON THE 8<sup>TH</sup> DAY OF OCTOBER, 2010.

THE DEFENDANTS HAVE FAILED TO ANSWER OR OTHERWISE DEFEND AS TO PLAINTIFF'S SECOND AMENDED COMPLAINT, OR SEND A COPY OF ANY ANSWER OR DEFENSE WHICH IT MIGHT HAVE HAD, UPON AFFIANT AND PLAINTIFF HEREIN.

DEFENDANTS ARE NOT IN THE MILITARY SERVICE AND ARE NOT INFANTS  
OR INCOMPETENTS.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF  
PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON 9<sup>TH</sup> DAY  
OF FEBRUARY, 2011 AT PINKNEYVILLE, ILLINOIS.

Montozio C. Hines  
MONTOSIO C. HINES, PRO SE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
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Montorio C. Hines,  
Plaintiff,

VS.

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NOTICE AND CERTIFICATE OF SERVICE

TO: Michael W. Dobbins  
Clerk, U.S. District Court  
211 S. Court St.  
Rockford, IL 61101

Judge Mahoney  
U.S. District Court  
211 S. Court St.  
Rockford, IL 61101

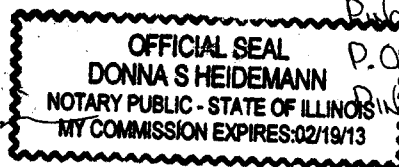
Christopher Walter  
100 W. Randolph St.  
Chicago, IL 60601  
(312) 814-4416

Angela Hammer  
City of Rockford  
425 E. State St.  
Rockford, IL 61104  
(815) 987-8056

I, Montorio C. Hines, pro se, state an oath that I caused to be served true and correct copy of (1) this NOTICE AND CERTIFICATE OF SERVICE; (2) MOTION FOR JUDGEMENT BY DEFAULT; (3) DECLARATION FOR ENTRY OF DEFAULT; AND (4) PLAINTIFF'S FOURTH MOTION FOR APPOINTMENT OF COUNSEL by placing copies of the same in an envelope, sealing it, and depositing the envelope in the institutional mail at Pinckneyville Correctional Center, P.O. Box 999, Pinckneyville, Illinois 62274 with sufficient postage on this 9th day of February, 2011.

SUBSCRIBED AND SWORN  
to before me this 9 day  
of Feb, 2011:

Donna S. Heidemann  
Notary Public



Montorio C. Hines  
Montorio C. Hines, pro se  
No. K57156  
Pinckneyville C.C.  
P.O. Box 999  
Pinckneyville, IL 62274

NO 0210 C. HILLES-NO. K5T1A56  
SCKLEYVILLE C.C.  
P.O. Box 999  
INDIANAPOLIS, IL 62274

PRIVILEGED

61101+1272

INMATE CORRESPONDENCE  
IL DOC

ATTN: Michael W. Dobbins  
Clerk, U.S. District Court  
211 South Court Street  
Rockford, Illinois 61101

