

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT M. HIGGINS; CHICAGO TITLE LAND TRUST CO., as the Successor Trustee of THE BANK OF EDWARDSVILLE u/t/a No. 3627; TERRY D. BLASA REVOCABLE LIVING TRUST; CLAY COUNTY, ILLINOIS; and FARM CREDIT SERVICES OF ILLINOIS, FLCA,

Defendants.

NO. 12-cv-254-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on defaulted defendant Robert M. Higgins motion to vacate the Court's August 15, 2013, order (Doc. 51). The order to which Higgins refers is a minute entry describing the proceedings held in a telephone status conference to discuss the form of the final judgment in this case, which will include, among other things, the terms of a stipulation Higgins entered into with the Government as to the resolution of his interests in this case (Doc. 45-1). The status conference was originally scheduled for August 16, 2013, and notice was given to Higgins of that date even though he had been defaulted, *see* Fed. R. Civ. P. 5(a)(1). Because of the Court's schedule, the telephone status conference was advanced on the docket to August 15, 2013, but Higgins did not receive notice of the change until after the conference took place. He did not participate in the conference. However, the Court made no substantive rulings at the conference, and there is nothing to vacate pursuant to Higgins' request.

Higgins also asks the Court to extend the time set forth in his stipulation with the Government in which he can pay the amount he owes the Government. The Court cannot do this

because Higgins' stipulation with the Government is a matter between those two parties and does not involve the Court. Higgins must work this issue out, if at all, with the Government.

For the foregoing reasons, the Court **DENIES** Higgins' motion to vacate (Doc. 51). The Court further **ORDERS** that an in-person status conference regarding the form of the judgment shall be held on December 13, 2013, at 1:30 p.m. in Benton, Illinois. Attorneys for all non-defaulted parties must be present in person.

IT IS SO ORDERED.

DATED: November 18, 2013

s/J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**