

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

KEMO D. WHIRL,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES,

Defendant.

Case No. 3:18-cv-01282-JPG-RJD

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

Plaintiff Kemo Whirl—a *pro se* prisoner in the custody of the state of Illinois—sued defendant Equifax Information Services for an alleged violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* The parties settled this case, and the Court entered a 60-day order giving the parties time to consummate the settlement. At the end of that 60-day period, Whirl filed a motion to dismiss, stating: “[a]s of July 2nd, 2019[,] the parties were able to consummate said settlement agreement...” and “[a]s part of said settlement agreement, Plaintiff agreed that he would file a motion to dismiss with prejudice against the Defendant within 5 days of consummating the settlement agreement.” (ECF No. 51.)

But now, Whirl has filed a post-judgment motion—this time stating that he has not received “any correspondence from the Defendant in reference to consummating the settlement,” so he wants the Court to re-open this case. (ECF No. 52.) That directly contradicts what Whirl told this Court in his motion to dismiss, which he signed and submitted. The Court will not assume that Whirl committed perjury in his motion to dismiss, and accordingly will **DENY** his post-judgment motion to re-open this case. (ECF No. 52.)

IT IS SO ORDERED.

DATED: JULY 23, 2019

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE