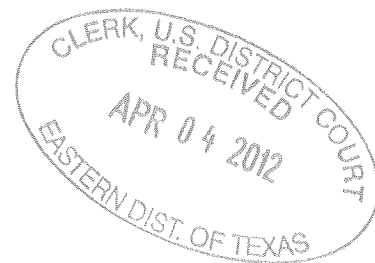


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION



HARRIL GLEN SCOTT

§

§

V

§

CASE NO. 6:11CV276
~~6:11-CV-278~~

§

PFIZER PHARMACEUTICAL

§

235 E. 42nd STREET

§

NEW YORK, NEW YORK

§

PLAINTIFF'S MOTION FOR DEFAULT JUDGEMENT
PURSUANT TO RULE 55 FED.R.CIV.P.
OR IN THE ALTERNATIVE
HIS MOTION FOR SUMMARY JUDGEMENT
PURSUANT TO RULE 56, ET. AL., FED.R.CIV.P.

TO THE HONORABLE MAGISTRATE JUDGE JUDITH K. GUTHRE
AND DAVID J. MALAND, DEPUTY CLERK OF SAID COURT:

COMES NOW PLAINTIFF HARRIL GLEN SCOTT who submits this Important Request Because The Defendants Have Failed To Answer The Complaint which was served upon the Defendants On February 8, 2012 By The U.S. Marshal. Having Determined That No Answer Or Respond Otherwise. Their failure to Defend, Plaintiff is asking this Court and the Court Clerk to Note the following:

I

Enter a Default Judgement Pursuant To Rule 55 of the Federal Rules Of Civil Procedure which states and makes clear that when a Party against whom a Judgement For Affirmative Relief Is Sought And Has Failed To Plead Or Otherwise Defend, the Clerk must Enter the Party's Default. Fed.R.Civ.P. (55)(B)(C)(D).

II

In addition, also the standards set forth in Rule 56 (C) of the Federal Rules Of Civil Procedure make clear that this remedy or panacea is available to Plaintiff under Rule 56(C). With instant case Summary Judgement is proper also because the Defendants have not filed Any Pleadings, Answers, Depositions, together with Affidavits, if any, showing that there is a Genuine Issue To Any Material Fact, which makes Plaintiff entitled to Judgement As A Matter Of Law. CELOTEX CORP. V. CATRETT, 106 S.Ct. 2552.

III

In Concluding, Plaintiff asserts and maintains the Fact as the Moving Party He Is Entitled To Judgement As A Matter Of Law, because the Defendants have Failed To Make A Sufficient Showing on all of the Essential elements of Plaintiff's case. As the Supreme Court held in the Anderson V. Liberty Lobby, Inc., 477 U.S. 106, S.Ct. 2505.

"The standard for granting Summary Judgement mirrors the standard for a directed verdict Under Federal Rule Of Civil Procedure 50(A)."
Anderson V. Liberty Lobby, Inc., Supra.

IV

More important again, is the fact that there is not one scintilla of evidence in this cause to create a Genuine Issue Of Dispute. Accordingly, this Court should enter a Judgement of some kind whether it is a Default or Summary Judgement. It is clear as Daylight that the defendants have Breached their duty and obligation owed to this Court's Order or summons dated February 8, 2012, to Answer the Complaint Within 21 Days after service upon them or otherwise a Judgement would be taken against them. Since they have not complied with this Mandate, Plaintiff Respectfully asks This Court to Grant this Motion.

DECLARATION

I, HARRIL GLEN SCOTT, do hereby swear under both Federal [Title 28 U.S.C. 1746] and state Law [Tex.Civ.P. And Rem.Code 132.001 Through 132.003] that all contained in this Plaintiff's Motion For Default Judgement Pursuant To Rule 55 Fed.R.Civ.P. Or In The Alternative His Motion For summary Judgement Pursuant To Rule 56, Et. Al., Fed.R.Civ.P. is true and correct to the best of my understanding under penalty of perjury.

Harril Glen Scott

HARRIL GLEN SCOTT

CERTIFICATE OF SERVICE

I, HARRIL GLEN SCOTT, Pro se Plaintiff in this Cause, do hereby Certify that a true and correct copy of the above and foregoing Plaintiff's Motion For Default Judgement Pursuant To Rule 55 Fed.R.Civ.P. Or In The Alternative His Motion For summary Judgement Pursuant To Rule 56, Et. Al., Fed.R.Civ.P. has been served by placing Three Copies of the same in the United States Mail on this 29th Day Of March, 2012, Addressed To:

CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
211 W. FERGUSON ST.
TYLER, TEXAS 75702

Harril Glen Scott

HARRIL GLEN SCOTT

TDCJ-CID NO. 1319015

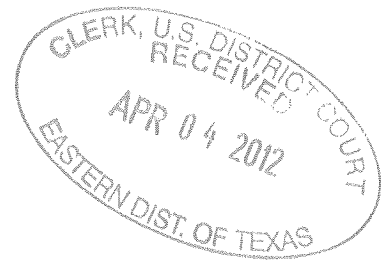
MARK STILES UNIT

3060 FM 3514

BEAUMONT, TEXAS 77705-7635

HARRIL GLEN SCOTT
TDCJ-CID NO. 1319015
MARK STILES UNIT
3060 FM 3514
BEAUMONT, TEXAS 77705-7635

DATED: 03.29.2012



CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
211 FERGUSON ST.
TYLER, TEXAS 75702

RE: HARRIL GLEN SCOTT V. PFIZER PHARMACEUTICAL
CIVIL ACTION NO. 6:11-CV-278

Dear Clerk:

Please find enclosed Three Copies of Plaintiff's Motion For Default Judgement Pursuant To Rule 55 Fed.R.Civ.P. Or In The Alternative His Motion For Summary Judgement Pursuant To Rule 56, Et. Al., Fed.R.Civ.P..

Please File this Motion in the above styled and numbered Civil Action and bring it to the attention of the Court.

Please Serve One Copy to Defendant Pfizer Pharmaceutical at 235 E. 42nd STREET, New York, New York 10017.

Please File-Stamp One Copy and return to Plaintiff.

Thank You for all your office does.

Respectfully Submitted,

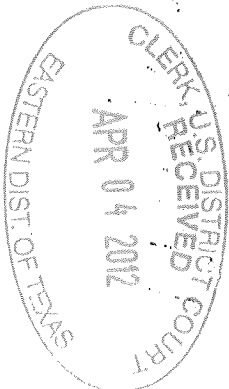
A handwritten signature in cursive script that reads "Harril Glen Scott". The signature is written in dark ink and is positioned above a horizontal line.

HARRIL GLEN SCOTT

Pro se Plaintiff

HARRIL GLEN SCOTT
JDCJ-CID NO. A319015
MARK STILES UNIT
3060 FM 3514
BEAUMONT, TEXAS 77705-7635

LEGAL MAIL



CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
211 FERGUSON STREET
TYLER, TEXAS

75702



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