

IN THE SUPREME COURT OF OHIO

EX REL. JOHN B. GATES
PETITIONER,

CASE NO. 08-1300

VS.

MOTION FOR DEFAULT JUDGMENT

CARL ANDERSON, WARDEN,
RESPONDENT.

MOTION FOR DEFAULT JUDGMENT

Now comes the Petitioner, John B. Gates, Pro se and who moves this court to GRANT this MOTION FOR DEFAULT JUDGMENT for the following reasons.

On July 7th, 2008, the Petitioner in this matter filed a petition for Writ of Habeas Corpus. On August 15th, 2008, Petitioner filed Motion for Summary Judgment in accordance with Civil Rule 56 (A) due to Respondent's failure to comply with the 28 day requirement to answer as accorded by Civil Rule 12 (A)(1). Defenses and objections.

Wherefore, based on the foregoing, Mr. John B. Gates moves this court to GRANT this Motion for Default Judgment under Civil Rule 55. and O.R.C. 2725.06. To preserve Mr. John B. Gates Constitutional right to Due Process of Law the Writ Must Be Granted.

Respectfully submitted,

John B. Gates

Mr. John B. Gates #455-506
P.O. Box 80033
Toledo, Ohio 43608

FILED
SEP 09 2008
CLERK OF COURT
SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

I, John B. Gates hereby certify that a true copy of the foregoing petition for Writ of Habeas Corpus was sent to the office of the Attorney General, 150 East Gay Street, Columbus, Ohio 43215, Via regular U.S. Mail, on this 2nd day of September, 2008.

John B Gates

Mr. John B. Gates #455-506
P.O. Box 80033
Toledo, Ohio 43608