RECEIVED
FEB 08 2011
CLERK OF COURT
SUPREME COURT OF OHIO

ORIGINAL

IN THE SUPREME COURT OF OHIO

Paul S. Henderson	:	Case No.: 11-0034
Patricia L. Casey	:	
Petitioners-Relators,	:	
vs.	:	
	:	
Judge William R. Finnegan	:	
Defendant-Respondent.	:	

FILED
FEB 08 2011
CLERK OF COURT
SUPREME COURT OF OHIO

PETITION FOR DEFAULT JUDGMENT

Now comes Petitioners, Patricia L. Casey & Paul S. Henderson, who state the Defendant, William R. Finnegan, has not answered the action for Affirmative Relief and has failed to plead, or otherwise, defend as provided by Civ.R. 12 (A) and Civ.R. 8(A) where it clearly states the Court must take this action as an admitted guilty plea given by the Defendants, and also, has violated the order of this Court for failing to answer in the 21 days this Court has ordered.

The Petitioners now move this Honorable Court for an order of Default Judgment, because the Defendant is now in default as provided by Civ.R. 55 (A), and the case of Shearer vs. Creekview Village of Broadview Heights Homeowners Association, Inc., Eighth District Court of Appeals, Cuyahoga County, Case No.: 94540, decided November 29, 2010, where it is stated the Petitioner is entitled to relief on the merits of the appeal.

Petitioners maintain they certified service to the Defendant on/or about January 13, 2011, and filed a copy with the Courts on January 14, 2011.

As of this date Petitioners have not received an answer from the Defendant as to why the Court should not render judgment

and enforce the laws of the U.S.D.C. N.D. Ohio No.: 1:03-CV-1392 in Rodruguez vs. City of Cleveland, 610 F.Supp.2d 461. It is well settled law in Civ.R. 12 (A) when answering the Defendant, or his/her counsel, shall serve his/her answer within twenty eight (28) days after service of the summons and complaint upon him/her.

JURISDICTION

(1) The Petitioner, Patricia L. Casey & Paul S. Henderson, are also referred to as Petitioners-Relators or Co-Complaintants in this instant complaint have been violated in regards to rights guaranteed by the United States Constitution. Petitioners' rights were also violated under the Criminal Rules of Procedure set forth by the State of Ohio when the Defendant has a clear and legal duty to enforce the law of the United States District Court when the Court affirmed the case of Rodriguez, and enjoined those officials from further enforcing this wrongful conviction.

As in this case at bar where Warden Margaret Beightler has continued to keep the Petitioners locked up for no reason at all even after being informed of the fact that this is a void conviction.

As in Rodriguez, the Petitioner also maintain the Prosecutor has shown no probable cause to even of had a hearing as stated in Crim.R. 3, and 7(B). Petitioners maintain they are entitled to relief as their claims have already been ruled on by the case above.

The Defendant has stated no reason as to why the Petitioners should not receive relief as stated in Civ.R. 3 (A), and, as stated above, the Petitioners are also entitled to have their property returned to them, because the Prosecutor and Sheriff Anthony J. Quirino have taken away all their property.

WHEREFORE: The Petitioners now pray this Honorable Court will grant him relief and order the Defendant to release the Petitioners in case at bar and immediately discharge Petitioners from this wrongful conviction.

Respectfully submitted,

Paul S. Henderson pro se.

Paul S. Henderson, #573-163
Marion Correctional Institution
940 Marion-Williamsport Road
Marion, Ohio 43301-0057
Petitioner-Relator, Pro Se

CERTIFICATE OF SERVICE

I, Paul S. Henderson, certify that a true and accurate copy of the foregoing Petition For Default Judgment has been forwarded to Brent Yager, Counsel of Record for Defendant, at the Common Pleas Court for Marion County, 100 Main Street, Marion, Ohio 43302-1327, on this 7 day of January, 2011.

Paul S. Henderson pro se.

Paul S. Henderson