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

MATTHEW HALE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. 23-cv-01296-DWD
	)	
FEDERAL BUREAU OF PRISONS,	)	
	)	
Defendant.	)	

DEFENDANT'S RESPONSE TO MOTION FOR LEAVE TO FILE SUPPLEMENT

COMES NOW Defendant Federal Bureau of Prisons, by and through its attorneys, Steven D. Weinhoeft, U.S. Attorney for the Southern District of Illinois, and Assistant U.S. Attorney Kyle Christopher Oehmke, and for its Response to Plaintiff's *pro se*[1] Motion for Leave to File Supplement, states as follows:

As a preliminary matter, the Court should strike the instant Motion. Plaintiff remains represented by counsel --- namely, Timothy Murphy, Esq. ("Attorney Murphy") --- and such counsel has filed a brief in this case as recently as September 14, 2026.[2] This District Court routinely strikes a party's *pro se* filings when he is represented. *See, e.g.*, *United States v. Rollins*, No. 05-cr-30133-4-DRH, 2008 WL 2201466, at *1 (S.D. Ill. May 23, 2008) (striking *pro se* motion for new trial) (citing *United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998)); *Atkins v. United States*, No. 17-cv-144-JPG, 2019 WL 2189466, at *6 (S.D. Ill. May 21, 2019) (striking *pro se* letter sent to the court). Indeed, the Court's Local Rules state an attorney may not withdraw his appearance without leave of court. S.D. Ill. L. R. 83.1(h). Plaintiff should not be allowed to burden

[1]As Plaintiff continues to be represented by counsel, this Response is not being sent to him. The undersigned has refrained and will continue to refrain from any communications with Plaintiff while he remains represented.

[2]In his Motion, Plaintiff calls Attorney Murphy's arguments therein "skillfully made". Doc. 110, p. 2.

this Court and counsel with *pro se* filings while he remains represented by Attorney Murphy. The instant Motion should be stricken accordingly.

Alternatively, the Court should deny the subject Motion. On August 20, 2026, Plaintiff --- while represented by Attorney Murphy --- filed a *pro se* Motion for Relief from Judgment (Doc. 104) pursuant to Federal Rule of Civil Procedure 59(e). This Motion is now fully briefed and awaiting ruling. The instant Motion primarily seeks to supplement that Motion to inform the Court that one of Plaintiff's prior lawsuits --- *Hale v. Marques* ("*Marques*") --- was voluntarily dismissed. This Court's Local Rules address a proposed supplemental pleading, stating as follows:

> Where a change in law or facts has occurred after the filing of a pleading, a party may seek leave to file a supplemental pleading. The motion for leave shall not exceed two pages, shall refer to the specific pages of the pleading it seeks to address or supplement, and shall attach as exhibits any relevant authority or evidence it seeks to supplement. The Court, in its discretion, will set forth page and time limitations for any supplemental pleading and for any responsive pleadings that it deems necessary.

S.D. Ill. L. R. 7.1(a)(6). Plaintiff's proposed supplement cannot possibly address a "change in law or facts" as it exclusively concerns a case filed by Plaintiff in March 2019 and closed in October 2020, long before the above-captioned lawsuit was filed. *See Marques*, No. 19-cv-0752-WJM-SKC (D. Colo. Mar. 13, 2019). This Court was already aware of *Marques*, having extensively cited and discussed such opinion in its Order (Doc. 101) awarding summary judgment to Defendant.

Moreover, Plaintiff's effort to supplement the record is misleading. Plaintiff suggests his filing of a voluntary dismissal in *Marques* somehow avoids its preclusive effect. This Court was well aware that Plaintiff voluntarily dismissed *Marques* only **after** the U.S. District Court for the District of Colorado had dismissed several of his claims in ruling on a motion to dismiss premised upon Federal Rule of Civil Procedure 12(b)(6). *See* Doc. 101, pp. 6-7; *Marques*, 19-cv-0752-

WJM-SKC, 2020 WL 1593339 (D. Colo. Mar. 30, 2020). This Court correctly held *Marques* wrought issue preclusion on Counts 2 and 6 of Plaintiff's Complaint. *See* Doc. 101, pp. 18-19. Indeed, a prior order granting a motion to dismiss can collaterally estop a plaintiff's later claims. *See Gilldorn Sav. Ass'n v. Commerce Sav. Ass'n*, 804 F.2d 390, 395-96 (7th Cir. 1986) (holding that an Illinois district court should have applied collateral estoppel to a Texas district court's decision to deny a motion to dismiss). Plaintiff's belated efforts to confuse the record should be rejected accordingly.

For the foregoing reasons, the Court should strike or, alternatively, deny Plaintiff's *pro se* Motion for Leave to File Supplement.

Respectfully submitted,

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