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

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

MOTION FOR LEAVE TO FILE PRO SE SUPPLEMENT IN SUPPORT OF PENDING MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO FED. R. CIV. PRO. 59(e)

Now comes Plaintiff Matthew Hale (hereafter "Hale"), putatively pro se, stating as follows:

1. On Wednesday September 30, 2026, Hale was able to call Attorney Murphy on a BOP-monitored and recorded phone line at which time he instructed Mr. Murphy to file a supplement in support of his pending Motion for Relief from Judgment (Doc. 104). He explained to Mr. Murphy that this Honorable Court had committed clear error in its judgment of August 14, 2026 in that it had relied extensively upon a voluntarily dismissed case, namely Hale v. Marques, 2020 WL 1593339 (D. Colo. March 30, 2020) (see Doc. 101 at 6, 12, 14-15, and 18-20).

2. As Hale explained to Murphy during their phone call, the "voluntary dismissal [of a case] without prejudice 'turns back the clock; **it is as if the plaintiff's lawsuit had never been brought.**'" Paragon Sales & Services v. Onyx Arms Int'l, 1997 U.S. Dist. LEXIS 2315 (N.D. Ill. Feb. 25, 1997) (emphasis added), quoting U.S. v. Mt. Vernon Mem. Est., Inc., 734 F.2d 1230, 1236 (7th Cir. 1984). "Such a dismissal does not operate as an adjudication on the merits, and 'does not have res judicata effect.'" Paragon, quoting Cooter & Gell v. Hartmax Corp., 496 U.S. 384, 396 (1990). And yet, the Court here relied upon Hale v. Marques for that very effect. See again Doc. 101 at 6, 12,

14-15, and 18-20. Hence the importance of bringing this matter before the Court.

3. Hale read this case law to Murphy over the phone and Murphy readily agreed to file the supplement; indeed, Murphy assured Hale that he would be filing the supplement that very day. The problem is that Hale has received no indication whatsoever since then that Murphy actually did so and he has waited in vain for some kind of confirmation which has never come. He has received nothing from Murphy even though 24 days have passed now since their conversation, and Hale has learned from bitter experience that it is impossible--and downright foolish on his part--for him to rely upon Mr. Murphy to actually do what he says he is going to do. He is therefore compelled to come to this Court at this juncture, asking the Court for permission to file the supplement himself in the event that Murphy didn't follow through. Furthermore, such a clear legal error--the Court's substantial reliance upon a voluntarily dismissed case--falls squarely under Plaintiff's original Rule 59(e) Motion for Relief from the Court's judgment and has nothing to do therefore with the arguments Murphy skillfully made within his own Court-ordered response to Hale's motion (Doc. 107). Thus the instant motion in no way contradicts or supersedes Mr. Murphy's efforts on Hale's behalf. Hale simply has to make sure that this matter indeed comes before the Court.

4. During their phone call, Murphy also agreed to inform the Court of the fact that the BOP--barely waiting for the ink on the Court's judgment of August 14, 2026 to dry--ended up reimposing general correspondence restrictions upon Hale on September 15th and email restrictions shortly thereafter. Hale's claims seven and eight are therefore no longer "moot" due to the BOP's own actions.

5. Plaintiff therefore has little or no choice but to come to this Court pro se at this time. His legal rights are way too precious to him to allow

their erroneous elimination merely due to inaction on the part of counsel, at least if he can help it.

6. Additionally, Hale [redacted] told Murphy to inform the Court that he, Hale, was unable to address the Court's error of relying upon a voluntarily dismissed case at the time he filed his Rule 59(e) motion (Doc. 104) due to the simple fact that he did not have a copy of the Court's decision (Doc. 101) at the time or know at all its basis. He only received it from Murphy weeks later.

7. Finally, and related to the above, Hale apprises the Court of the fact that the BOP does not allow him to seal his mail to the Court and delays it from even going out for days and sometimes weeks at a time. Also, the BOP does not honor the "special mail" stamp on mail <u>from</u> the Court, mail <u>from</u> the Court being held for days and weeks as well. It seems that the BOP deems the <u>Court</u> a "security threat."

For the foregoing reasons, Hale respectfully moves that he be granted leave to file the aforementioned supplement pro se or--should the Court prefer --that the instant motion be deemed that supplement. Hale furthermore respectively moves that the Court's August 14, 2026 judgment be vacated in light of the facts and law above.

Respectively submitted,

Matthew Hale

Matthew Hale, Plaintiff pro se

October 24, 2026

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Leave to File Pro Se Supplement in Support of Pending Motion for Relief from Judgment Pursuant to Fed. R. Civ. Pro. 59(e) was placed into the inmate mailing system where I am housed on October 26, 2026 via first class mail fully prepaid, addressed to the following:

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