

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

MAR - 3 2020

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ANDREW WHITE,

Plaintiff,

vs.

JOSEPH FELCHNER AND
ELLEN SWEENEY,

Defendants.

Case No. 1-CV-3181-SEM-TSH

RESPONSE TO MOTION FOR SUMMARY JUDGMENT
OF JOSEPH FELCHNER

NOW COMES the Plaintiff, Andrew White, pro se, and for his Memorandum in Support of Denial of the Motion for Summary Judgment, states as follows:

Defendant, Joseph Felchner arrested Plaintiff on August 10, 2018, for possession of a stolen vehicle. Defendant Felchner ran the license plates of a maroon colored Mercury. The computer system in Officer Felchner's squad car indicated the vehicle was reported stolen. Felchner contacted Sangamon County Dispatcher who confirmed the vehicle reported as stolen. Felchner then contacted dispatch again and had them contact the Secretary of State investigator Sweeney and was advised that the vehicle was stolen and the registration and title revoked.

At the time of the stop, Plaintiff showed Officer Felchner Plaintiff's registration card, insurance identification card and driver's license. Plaintiff's registration card and insurance card stated that the car was properly registered to Plaintiff and insured. Plaintiff did not receive Notice of Revocation of his title or registration until following his arrest and then the effective date of the revocation was August 18, 2018.

Plaintiff has filed concurrently herewith a Request to Produce Documents and Tangible Things and seeks further discovery relative to the information available to Officer Felchner at the time of Plaintiff's arrest.

MEMORANDUM OF LAW

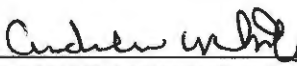
Summary Judgment may be entered only if there is no dispute of material facts

Plaintiff provided Officer Felchner with his Illinois Registration card and insurance card reflecting ownership of the vehicle at the time of the stop. Plaintiff had to have possession of the title in order to apply for the Title Transfer. There was no charge against Plaintiff for forgery of Christie L. Loften's name to the Title nor of theft of the Title. And Christie Loften was Plaintiff's ex-girlfriend and according to Plaintiff, acting in anger.

A Motion for Summary Judgment should not be used to rush to judgment against a pro se party. Plaintiff has filed a Request to Produce Documents or Tangible Things and should be allowed to obtain reasonable discovery to determine whether Officer Felchner had probable cause to believe the vehicle was stolen. Plaintiff was a local resident. He was travelling with his two children at the time of the arrest. He was hardly a viable suspect for theft of a motor vehicle or possession of a stolen vehicle. A party should be given a reasonable opportunity for discovery to present issues of fact in support of their claim.

For all of the forgoing reasons, the Motion for Summary Judgment should be denied as premature.

RESPECTFULLY SUBMITTED



ANDREW WHITE, Plaintiff

Andrew White
1751 North Grand Avenue
West Lot #101
Springfield, IL 62702