

IN THE UNITED STATES DISTRICT COURT OF ILLINOIS
NORTHERN DISTRICT-EASTERN DIVISION

FILED
JUN 2, 2008
JUN 2 2008 MB

Pio DeCesare,
Plaintiff,

vs.

Cook County Department of Corrections,
Officer Judy Smith, et al.,
Defendants.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT
CASE No. 06 C 3651.
Magistrate Judge MARIA VALDEZ.

MOTION FOR JUDGEMENT INSTANTER

Now comes, Pio DeCesare, Plaintiff/Pro-Se, and respectfully requests this:
Honorable U.S DISTRICT COURT to consider pursuant to: F.R.C.P.Rules-59(e), 72,
28 U.S.C. 636(c) and U.S.C.A. 114, seeking the relief sought.

In Support Thereof, plaintiff avers:

1. That he is currently residing at the LOGAN C.C., REG.NO.R-62844, 1096
1350TH STREET/BOX-1000, LINCOLN-IL., 62656.
2. That plaintiff states during his last status hearing of May 08, 2008,
he had stated that he had reached a tentative agreement concerning
his constitutional claims, however plaintiff does not agree with
the terms of the agreement and specifically disagrees with: 3, 8, 13
and somewhat to number 10.
3. That plaintiff states attorney fees was not part of this settlement
agreement during this conference call with the court and that a total
amount of monies was discussed and agreed upon.
4. That plaintiff states he will not be responsible for any attorney fees
as a result of this settlement agreement which was reached during this
conference and now he states he believes that foul-play exists.
5. Plaintiff states that he does not agree with the terms of taxes being
his sole responsibility because taxes was not discussed during this
conference call.
6. Plaintiff states that he has read this document and does not agree with
Numbers: 3, 8, 13 and specifically requests that number 10 be included
to show cause as to why he files this motion to alter judgement.

7. Pursuant to F.R.C.P. Rule-59(e), plaintiff requests that stipulation for compromise settlement become altered due to other terms included which was never discussed nor agreed upon during original conference.
8. Plaintiff states for the record that he is willing to enter into the agreed upon settlement agreement which was supposedly reached during last conference call.

WHEREFORE, plaintiff/pro-se, humbly hopes and pray that this Honorable Magistrate Court would consider binding the defendants to the terms of agreement in which was previously discussed and/or agreed upon and/or in the alternative consider granting whatsoever relief this Court deems to be appropriate. "THANK-YOU!"

Respectfully Submitted,

SUBSCRIBED AND SWORN TO BEFORE ME

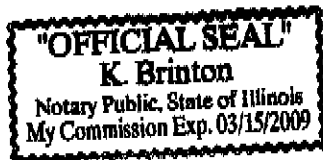
Pio DeCesare
PLAINTIFF/PRO-SE.

27 THIS DAY OF MAY, A.D., 2008.

K. Brinton
NOTARY PUBLIC.

PIO DeCESARE
REG. NO. R-62844
LOGAN C.C.
BOX-1000
LINCOLN, IL. 62656
217/735-5581.
PDeC/mdhawk

i02.



IN THE
UNITED STATES DISTRICT COURT OF ILLINOIS
NORTHERN DISTRICT-EASTERN DIVISION

Pio DeCesare,)
Plaintiff,)
vs.) Case No. 06 C 3651
Cook County DOC Judy Smith, et al.,)
Defendant s.)

PROOF / CERTIFICATE OF SERVICE

TO: Hon. MICHAEL W. DOBBINS
CLERK of U.S. DISTRICT COURT
219 SO. DEARBORN STREET
CHGO., IL. 60604

TO: Hon. RICHARD DEVINE
STATES ATTORNEY/COOK COUNTY
500 RICHARD J. DALEY CENTER
CHGO., IL. 60602

PLEASE TAKE NOTICE that on MAY 27, A.D., 2008, I have placed the documents listed below in the institutional mail at Logan Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service:

- (1) ORIGINAL & (2) COPIES OF A MOTION TO ALTER JUDGEMENT,
ALONG WITH PROPER PROOF OF SERVICE, AND REQUESTING CLERK TO CONSIDER PROVIDING
(1) COPY "FILE-STAMP" AND RETURN TO ME. "THANK-YOU!"

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

Date: MAY 27, A.D., 2008

/s/ Pio DeCesare
Name: Pio DeCesare
IDOC No.: R-62844
Logan Correctional Center
1096 1350th Street / PO Box 1000
Lincoln, Illinois 62656