

Jeffery J. Lout, AO#45407
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722
Pro Se Appellant

FILED

SEP 03 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT FOR
THE STATE OF MONTANA.
CAUSE NO: DA:18-0522

Jeffery J. Lout, Pro Se;)	MOTION FOR DEFAULT JUDGEMENT
Appellant/Defendant;)	PURSUANT TO M.R.CIV.P.55
)	(a), (b) (2)(C) and (d) AND
vs.,)	PURSUANT TO M.R.CIV.P.50
)	(a) (1) (A) and (B) and (2)
State of Montana and Lynn Guyer -)	FOR THE STATES FAILURE
Warden of Montana State Prison;)	TO ADEQUATELY PLEAD OR DEFEND
Appellee/Plaintiff.)	CONSTITUTING AS A CONCEDEMENT BY STATE.

1) COMES NOW: PRO SE APPELLANT; Jeffery J. Lout, HEREBY MOVES THIS HIGH COURT FOR AN ENTRY OF DEFAULT JUDGEMENT PURSUANT TO M.R.CIV.P. RULES: 55 (a), (b)(2)(C) and (d) and PURSUANT TO 50 ((a)(1) (A) and (B) and (2) JUDGEMENT AS A MATTER OF LAW AND FACT; AS THE STATE OF MONTANA HAS FAILED TO PLEAD OF DEFEND LOUT'S OPENING BRIEF WHICH WAS FILED ON FEBRUARY 4, 2019 On Appeal from the 21st Judicial District Court, Ravalli County FROM LOUT'S MOTION TO DISMISS AND EXONORATE ON CAUSES DC:99-22 and DC:02-79; State of Montana V. Jeffery J. Lout.

BRIEF PROCEDURAL HISTORY

2) On February 4, 2019: Lout filed his Opening Brief with this high Court making the STATE OF MONTANA'S REPLY BRIEF DUE on MARCH 6, 2019.

3) On March 4, 2019: State Moved the Court For a 30 Day Extention of Time due to State's OVERLOGGED CASE LOAD. This Court Granted the Extention.

4) On March 29, 2019: State AGAIN MOVED for Second EXTENTION OF TIME for 30 Days Due to the State's OVER LOGGED CASE LOADS. This Court Granted the Extention.

5) On May 3rd, 2019: The STATE Moved for IT's (3rd) THIRD EXTENSION OF TIME (Now giving the State 90 Consecutive days) to File and Prepare it's Reply to Lout's Opening Brief. This Court Granted the Third Extention and LOUT HOTLY OBJECTED TO THE COURTS MAY 6, 2019 ORDER and the State's May 3, 2019 Motion for EXTENTION OF TIME. (See: Lout's May 21, 2019 OBJECTIONS @ 8 Conclusions)

6) The State has Taken to date 2 other Extensions of Time (JUNE 5, 19 and JULY 19, 19) To Total an additional 60 more days on top of the 90 Days already Approved by the High Court. This Court has GRANTED the EXTENTIONS now todate the STATE'S REPLY BRIEF IS DUE ON SEPTEMBER 6, 2019.

STATEMENT OF FACTS AND MATTER OF LAW

7) Lout Declares, AS MATTER OF LAW: The State has had MORE then Adequate time in which to Research, Prepare and DEFEND Their REPLY BRIEF to Lout's Opening Appeal Brief which was filed on February 4, 2019.

8) Lout Further Declares: The State of Montana has had the state's attorney generals office to Research, Prepare and DEFEND for their REPLY BRIEF TO LOUTS' OPENING BRIEF.

9) Lout Declares: The State's Lack of effort and the State's FAILURE TO PROPERLY DEFEND OR PLEAD TO LOUT'S OPENING BRIEF SHOWS A LACK OF SERIOUSNESS REGRADING THE CLAIMS AND FACTS OF LAW RAISED BY LOUT: HENCE; LOUT is Wholly entitled to the IMMEDIATE RELEASE, EXONORATION AND DISMISSAL OF ALL CHARGES FROM LOUT'S UNLAWFUL AND ILLEGAL INCARCERATION STEMMING FROM THE JUDICIAL STRUCTURAL DEFECT OF THE 'LACK OF AN IMPARTIAL JUDGE'; Which is AUTOMATICALLY REVERSIBLE WITHOUT ADDITIONAL ANALYSIS OR REVIEW. (See: State v. LEMERE: 2000 MT. 45)

CONCLUSIONS IN SUPPORT OF MATTER AND FACTS OF LAW

10) Lout Concludes: The Facts of Law has been set out in his Initial OPENING BRIEF which show beyond a preponderance of Doubt that the merits of this case call into question the MATTERS and FACTS of LAW that has been severely DEFECTED in and throughout both of Lout's Cases by the Courts'(Judge Langton's) BIAS and Prejudice Stemming both from Langtons Own "PERSONAL" Involvement with Lout Prior to both Lout's Cases and Due to Langton's Sitting on the 'Accusatory Information Process' where Langton himself conducted the 'SIFTING OF CRIMINAL CHARGES' Against Lout; Coupled with the 'THREAT' Lout imposed due to Langton's and Louts' 'PERSONAL

INVOLVEMENT OF LANGTONS! 'DRUG ADDICTIONS and SEXUAL INTERESTS OF ADOLSCENT FEMALS and MALES' (See; August U.S.DIST.CRT.DEPOSITION OF LOUT in Robert C. Myers V. Langton; U.S.DIST. CRT. Missoula, Montana/ Taken at MSP BOPP ROOM AUG.3,2018 Between 1100 and 1230 Hours) which clearly establishes that a 'SEVERE MISCARRIAGE OF JUSTICE' has occurred in these cases regarding Lout.

11) Lout Concludes: this High Court must weigh out the FACIS of LAW, The Best Interest of Justice and The Constitutional Fundamental Rights that are to protect every citizan from the "DEPRIVATION" of the DUE PROCESS OF LAW AND LIBERTY INTEREST Which has occurred in and throughout Lout's Cases to date Present and Ongoing.

12) Hence; Lout has established the Clear and convincing FACTS and MATTERS of Law that clearly support and show that the Montana Supreme Court MUST ENTER THE DEFAULT JUDGEMENT AGAINST THE STATE OF MONTANA AS THE STATE HAS SEVERELY NEGLECTED TO TIMELY RESPOND TO THE SEVERE MISCARRIAGE OF JUSTICE THAT HAS OCCURRED IN AND THROUGHOUT LOUIS' Cases; Hence The Court has no other alternitive BUT TO:

- A) DISMISS ALL CRIMINAL CHARGES AGAINST LOUT IN CASES DC;99-22 and DC:02-79; WITH PREJUDICE: BASED ON THE FUNDAMENTAL RIGHTS THAT HAVE BEEN SEVERELY VIOLATED IN BOTH THESE TITLED CAUSES:
- B) EXONORATE LOUT WITH PREJUDICE: FROM ALL CRIMINAL CHARGES STEMMING FROM DC:99-22 and DC:02-79; FULLY RESTORING ALL LOUIS' CITIZANSHIP RIGHTS; and
- C) IMMEDIATELY RELEASE LOUT FROM HIS UNLAWFUL AND ILLEGAL INCARCERTION; WHICH SHOULD OCCUR NO LATER THEN SEPTEMBER 6, 2019.

OATH AND: DECLARATION

I, Jeffery J. Lout Pro Se Alleppant; Does hereby Submits the above foregoing MOTION FOR DEFAULT JUDGEMENT WITH THE SUPPORTING FACTS OF LAW WHICH FULLY ENTITLE LOUT TO IMMEDIATE DISMISSAL OF ALL CHARGES, FULL EXONORATION AND THE IMMEDIATE RELEASE FROM HIS UNLAWFUL AND ILLEGAL INCARCERATION; I, Further Declare that the Information set forth in the above foregoing are based on the FACTS are TRUE and Correct and are in the Court(s) Record(s) as so indicated in and throughout all these Proceedings filed by Lout.

I, Jeffery J. Lout, Solemnly Swear all inforation is True and Correct under the penalty of Perjury pursuant to MCA:45-7-201 and 28 USC §1746, Dated this

23rd DAY OF August; 2019;

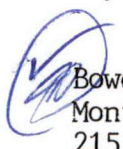
IN THE COUNTY OF: POWELL: S)

IN THE STATE OF: MONTANA. S)


JEFFERY J. LOUT/PRO SE APPELLANT-DEFENDANT.

CERTIFICATE OF SERVICE

This certifies that I have served the following individuals; first class pre-paid postage in the U.S. Postal Service From the Montana State Prison on this 23rd Day of August; 2019.

 Bowen Greenwood-Clerk Crt.
Montana Supreme Court
215 North Sanders
P.O. Box 203003
Helena, MT 59620-3003

Timothy Fox-MT.ATTY.GEN.
Montana Attorney General's Office
215 North Sanders
P.O. Box 201300
Helena, MT. 59620-1300

BY: 
Jeffery J. Lout/Pro Se Appellant-Defendant.