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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Ira Joe Anderson,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.  
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No. CV-16-01577-PHX-ROS (ESW)

**ORDER**

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16 On May 23, 2016, Petitioner Ira Joe Anderson, who is confined in the Arizona  
17 State Prison Complex-Eyman in Florence, Arizona, filed a pro se Petition for Writ of  
18 Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) and an Application to Proceed In  
19 Forma Pauperis (Doc. 2). The Court granted Petitioner's Application to Proceed in  
20 Forma Pauperis and ordered Respondents to answer the Petition, specifically providing  
21 that Respondents "may file an answer limited to relevant affirmative defenses, including  
22 but not limited to, statute of limitations, procedural bar, or non-retroactivity." (Doc. 5 at  
23 3). Respondents timely filed their Limited Answer to Petition for Writ of Habeas Corpus.  
24 (Doc. 13). Petitioner did not file a reply, and the time to do so has passed. The Petition  
25 is deemed submitted for decision.

26 Pending before the Court is "Petitioner Motions the Court or the Justice or a Judge  
27 to Issue a Default Judgment Order Awarding the Writ and Granting the Relief Sought to  
28 Defendant." (Doc. 14). Petitioner requests entry of a default judgment because "[t]he


1 respondents has [sic] neither responded, rebutted, contended nor refuted or shown cause  
2 why the writ should not be granted, and the respondents are now in default of the court's  
3 order." (Id. at 1). Petitioner argues that the Response (Doc. 13) is a "none [sic]  
4 responsive pleading" to the three grounds set forth in the Petition for Writ of Habeas  
5 Corpus. (Id.).

6 The Court finds that the Respondents have, in fact, timely responded to the  
7 Petition pursuant to Rule 5, Rules Governing Section 2254 Cases in the U.S. District  
8 Court. By Order of the Court (Doc. 5), Respondents were permitted to limit their answer  
9 to affirmative defenses, and they have done so. Should the Court reject the affirmative  
10 defenses set forth in the Limited Answer, it will order the Respondents to file additional  
11 briefing to address the merits of the claims raised by Petitioner. Entry of a default  
12 judgment is not warranted under the circumstances of this case. See Rule 55, Fed. R.  
13 Civ. P.

14 For the reasons set forth herein,

15 **IT IS ORDERED** denying Petitioner's motion (Doc. 14).

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17 Dated this 18th day of November, 2016.

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21 Eileen S. Willett  
22 United States Magistrate Judge  
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