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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 KENNETH JEFFERSON BURNS,

10 Petitioner,

11 v.

12 JAMES MACDONALD, Warden,

13 Respondent.

Case No. 1:12-cv-01820 GSA HC

ORDER DENYING PETITIONER'S
MOTION FOR DEFAULT JUDGMENT

[ECF NO. 10]

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15 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2254. He has consented to the jurisdiction of the Magistrate Judge
17 pursuant to 28 U.S.C. § 636(c).

18 On December 13, 2012, the Court dismissed the petition and terminated the case.
19 Judgment was entered on the same date. On October 3, 2013, Petitioner filed the instant request
20 for a default judgment. Petitioner complains that the California Supreme Court has not acted on
21 his petition for review of his claims within a reasonable time period. Petitioner is advised that
22 his federal habeas case was terminated on December 13, 2012. Therefore, the motion must be
23 denied for lack of jurisdiction. In addition, federal courts do not exercise supervisory powers
24 over state courts. Victor v. Nebraska, 511 U.S. 1 (1994). Petitioner's remedy lies with the state
25 court.

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ORDER

Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion for default judgment is DENIED.

IT IS SO ORDERED.

Dated: October 7, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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