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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY BROUSSARD,

Petitioner,

No. CIV S-09-3242 KJM P

vs.

MIKE EVANS, Warden,

ORDER AND

Respondent.

ORDER TO SHOW CAUSE

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Petitioner is a state prison inmate proceeding pro se with a petition for a writ of habeas corpus challenging a denial of parole. On April 28, 2010, the court directed respondent to file a response to the petition. He has not responded to the court's order.

On July 19, 2010, petitioner filed a motion for a ruling on his habeas petition, noting respondent's failure to respond and reasoning that he is entitled to relief. However, the state's failure to respond does not entitle petitioner to a default judgment. Gordon v. Duran, 895 F.2d 610, 612 (9th Cir. 1990).

IT IS THEREFORE ORDERED that:

1. Petitioner's motion for a ruling (docket no. 8) is denied;

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2. Respondent's response, plus the necessary records, is due within thirty days of the date of this order;

3. Respondent is directed to show cause, within seven days of the date of this order, why sanctions should not be imposed for his failure to respond to the court's order; and

4. The Clerk of the Court is directed to serve a copy of this order on Jennifer Neill, Deputy Attorney General.

DATED: July 29, 2010.

  
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U.S. MAGISTRATE JUDGE

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