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

ANTHONY ALLEN,

Petitioner,

No. CIV S-10-3257 GEB GGH P

vs.

GARY SWARTHOUT, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion for “summary judgment,” i.e., motion for entry of default, noting that respondent failed to timely file an answer to the petition. However, respondent timely filed an answer to the petition on September 9, 2011. Doc. 20. Therefore, petitioner’s motion is denied.

Accordingly, IT IS HEREBY ORDERED: that petitioner’s September 13, 2011, motion is denied. Plaintiff may file a traverse within 28 days.

DATED: September 27, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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