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

KELIN MANIGAULT,

Petitioner,

No. CIV S-11-0410 WBS EFB P

vs.

RICHARD B. IVES,

Respondent.

ORDER

_____ /
Petitioner is a federal prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2241. Petitioner has filed a motion for default judgment, arguing that respondent did not timely file a response to his petition. Dckt. No. 9.

It is petitioner’s burden to show that he is in custody in violation of the laws of the United States. *Miller-El v. Cockrell*, 537 U.S. 322, 358 n. 3 (2003). State officials’ failure to comply with court deadlines does not relieve petitioner of the burden of proof or entitle him to entry of a default or a default judgment. *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990).

Accordingly, it is ORDERED that petitioner’s motion for default judgment is denied.

Dated: November 22, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE