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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALDEN A. THOMAS,  
  
                                Petitioner,  
  
                                v.  
  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO, et al.,  
  
                                Respondents.

No. 2:17-cv-0638 KJM DB P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner has filed a request for entry of default. (ECF No. 8.)

Petitioner claims respondent’s failure to respond entitles him to default judgment. (ECF No. 8.) However, on October 25, 2017, the court issued findings and recommendations recommending the petition be dismissed because petitioner does not have standing to sue on behalf of a third party. (ECF No. 6.) Petitioner filed objections to the above referenced findings and recommendations on November 13, 2017 and the District Court has not yet ruled. (ECF No. 7.)


Thus, respondent was not directed to respond to the petition and is not in default. Additionally, petitioner is not entitled to a default judgment for the failure to respond to claims raised in a petition for habeas corpus. See Gordon v. Duran, 895 F.2d 610, 612 (9th Cir. 1990).

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Accordingly, IT IS HEREBY ORDERED that petitioner's March 1, 2018 motion for default judgment (ECF No. 8) is denied.

Dated: March 8, 2018



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DLB:12  
DLB:1/Orders/Prisoner-Habeas/thom0638.hab.def