

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT ASHLAND

ISAIAH TYLER,

Petitioner,

v.

JAMES DAVID GREEN,

Respondent.

NO. 0:23-CV-13-KKC-MAS

OPINION AND ORDER

This matter is before the Court on defendant Isaiah Tyler's motion for default judgment (DE 11) on his habeas corpus petition and Magistrate Judge Matthew A. Stinnett's report and recommendation. (DE 24.)

Defendant Isaiah Tyler filed a petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus. (DE 1.) The Court ordered this petition to be served on the Attorney General of the Commonwealth of Kentucky ("the Commonwealth") and ordered that the Commonwealth respond with additional information. After a months-long delay, Tyler moved for default judgment based on the lack of response. The magistrate judge found that Rule 55(a) default judgments are not applicable in habeas corpus cases and recommended that the Court deny Tyler's motion. (DE 24 at 2.) Plaintiff has not filed any objections to the recommendation. Further, the Court has reviewed the recommendation and agrees with its analysis.

Accordingly, the Court hereby ORDERS as follows:

- 1) The Report and Recommendation (DE 24) is ADOPTED as the Court's opinion; and
- 2) Tyler's motion for default judgment (DE 11) is DENIED.

This 4th day of January, 2024.



Karen K. Caldwell

KAREN K. CALDWELL
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF KENTUCKY