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## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

MICHAEL CHRISTOPHER WILLIAMS,

Petitioner,		
		Case No. 10-11003
V.		Honorable Patrick J. Duggan
NICK LUDWICK,		Tronorable Taurek J. Duggan
Respondent.		
	/	

## ORDER DENYING PETITIONER'S MOTION FOR IMMEDIATE CONSIDERATION AND PETITIONER'S MOTION FOR DEFAULT JUDGMENT

On March 12, 2010, Michael Christopher Williams ("Petitioner"), a state prisoner currently incarcerated at the Bellamy Creek Correctional Facility in Ionia, Michigan, filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the Court is Petitioner's Motion for Immediate Consideration and his Motion for Default Judgment. For the reasons set forth below, the Court denies both motions.

## A. Petitioner's Motion for Immediate Consideration

Petitioner asserts that his "life has been placed at risk because he's in a high security level where violence is random." He requests that the Court therefore address his petition immediately. Petitioner must persuade the Court that there is a need for immediate review of his habeas petition by demonstrating an independent basis for such consideration. *See Rein v. Socialist People's Libyan Arab Jamahiriya*, 162 F.3d 748, 756 (2d Cir. 1998). In

determining whether the habeas petition should be immediately considered, the Court

looks at any prejudice or hardship the parties may incur as a result of the Court's initial

determination and subsequent decision to grant or deny habeas relief. See Media Access

Project v. FCC, 883 F.2d 1063, 1071 (D.C. Cir. 1989). Petitioner has not shown good

cause to expedite a ruling on his habeas petition. Petitioner has not identified a specific

threat to his safety or any other reason justifying expedited review. The Court therefore

denies his Motion.

**B. Petitioner's Motion for Default Judgment** 

Petitioner asserts that Respondent has failed to timely file an answer to his petition

for a writ of habeas corpus. Petitioner is mistaken. The Court ordered Respondent to file

an answer by October 19, 2010, and Respondent filed his answer that day. It is also

well-established that a default judgment is unavailable in a federal habeas proceeding

under 28 U.S.C. § 2254 on the ground that state officials failed to file a timely response to

the petition. Allen v. Perini, 424 F.2d 134, 138 (6th Cir. 1970).

Accordingly,

IT IS ORDERED that Petitioner's Motion for Immediate Consideration is

**DENIED**:

IT IS FURTHER ORDERED that Petitioner's Motion for Default Judgment is

DENIED.

s/PATRICK J. DUGGAN

UNITED STATES DISTRICT JUDGE

Dated: March 17, 2011

Copies to:

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John S. Pallas, A.A.G. Magistrate Judge R. Steven Whalen

Michael Christopher Williams, #237164 Bellamy Creek Correctional Facility 1727 West Bluewater Highway Ionia, MI 48846