

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES GEETER, #223130,

Petitioner,

v.

CASE NO. 5:17-CV-11510

HONORABLE JOHN CORBETT O'MEARA

CONNIE HORTON,

Respondent.

ORDER DENYING PETITIONER'S MOTIONS [Dkt. ## 19, 21, 24]

Michigan prisoner Charles Getter ("Petitioner") has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter is before the Court on three of Petitioner's motions concerning the timeliness of Respondent's answer to his petition and the filing of the state court record. Petitioner asserts that the answer is untimely and that the state court record is incomplete and seeks various remedies, including the preclusion of affirmative defenses and a default judgment.

Petitioner's motions must be denied. First, the record indicates that Respondent timely filed an answer to the petition and the state court record on December 12, 2017. Second, the record contains all of the materials needed to decide this case. Third, 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 or sufficient response to the petition. *See, e.g., Allen v. Perini*, 424 F.2d 134, 138 (6th Cir. 1970). Accordingly, the Court **DENIES** Petitioner's motions [Dkt. ## 19, 21, 24]. Lastly, the Court notes that the filing of frivolous motions may result in sanctions. *See Fed. R. Civ. P. 11.*

IT IS SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: January 8, 2018

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 8, 2018, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager