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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SEAN LAMONT MITCHELL,

Petitioner,

vs.

E. K. MCDANIEL, et al.,

Respondents.


Case No. 3:10-CV-00353-RCJ-(RAM)

**ORDER**

Petitioner has submitted a motion for default judgment (#22). The motion has two defects. First, default judgment does not exist in federal habeas corpus. Gordon v. Duran, 895 F.2d 612 (9th Cir. 1990). Second, respondents timely filed their motion to dismiss (#11) on March 4, 2011, within the forty-five days allowed for a response. See Order (#10).

IT IS THEREFORE ORDERED that petitioner's motion for default judgment (#22) is **DENIED**.

Dated: **This 1st day of April, 2011.**

  
ROBERT C. JONES  
United States District Judge