

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Sher Mohammad Salehi

: Civil No. 08-4719 (KSH)
Petitioner :

vs.

United States of America

: **ORDER DENYING**
: **MOTION FOR DEFAULT JUDGMENT**
: **AND DIRECTING RESPONDENT TO**
: **FILE AN ANSWER**
Respondent :

Petitioner has filed a motion for default judgment. The Court has reviewed the docket and determined that through inadvertence, a briefing schedule was not issued after petitioner responded to the *Miller* order that was entered on June 25, 2009. Consistent with the Court's earlier order granting the government a 90 day extension to answer, the government did file its response on November 13, 2009.

Habeas corpus proceedings are "sui generis," and as such, do not strictly follow the Federal Rules of Civil Procedure. United States v. Demelio, 2009 WL 145949 at *1 (W.D. Pa. 2009). There is no provision in the rules that do govern habeas proceedings for default judgments against respondents for missing response deadlines, *id.*, and to the extent that the Court's oversight is factored into the procedural background to this motion, the Court is fully satisfied that petitioner's motion must be denied.

SO ORDERED this 20th day of November, 2009.

/s/ Katharine S. Hayden
KATHARINE S. HAYDEN U.S.D.J.