

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANDRE MAURICE ALLEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-35 (RWR)
)	
BRICK TRIPP,)	
)	
Defendant.)	

MEMORANDUM ORDER AND ORDER TO SHOW CAUSE

On January 2, 2013, federal prisoner Andre Maurice Allen filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The government was ordered to respond to Allen’s motion by March 11, 2013. The government, however, has filed no response to Allen’s motion. On March 25, 2013, Allen moved for entry of a default judgment against the government under Federal Rule of Civil Procedure 55(a). Although the Rules of Civil Procedure apply in habeas corpus proceedings, see Gonzalez v. Crosby, 545 U.S. 524, 529 (2005); see also Fed. R. Civ. P. 81(a)(4), it is improper to issue a default judgment granting a habeas petition, see Bermudez v. Reid, 733 F.2d 18, 21-22 (2d Cir. 1984); United States v. Brisbane, 729 F. Supp. 2d 99, 107-08 (D.D.C. 2010). Thus, Allen’s motion for entry of a default judgment will be denied. Accordingly, it is hereby

ORDERED that Allen's motion [3] for entry of default be, and hereby is, DENIED. Because the government has yet to respond to Allen's motion, it is further

ORDERED that the government show cause in writing by April 16, 2013 why the allegations in Allen's petition should not be deemed conceded and other appropriate sanctions should not be considered. It is further

ORDERED that the Clerk serve a copy of this order upon the Chief of the Special Proceedings Division of the U.S. Attorney's Office and the Chief of the Civil Division of the U.S. Attorney's Office.

SIGNED this 2nd day of April, 2013.

_____/s/_____
RICHARD W. ROBERTS
United States District Judge