

HABEAS EXPLAINER PACKET

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COMMUNITY EXPLAINER

HABEAS

FREQUENTLY ASKED QUESTIONS

Note that this FAQ is not and does not replace legal advice. Every situation is different, and this FAQ cannot provide advice about what you should do or file in your individual case. Please also note that this habeas packet is intended for adults in ICE custody.

What is a habeas petition?

A habeas petition (formally known as a petition for habeas corpus) asks the court to order the person filing it (the “petitioner”) released from custody because that custody is unlawful. The unlawful custody could be in jail, prison, or immigration detention. Here, we are talking about habeas petitions filed in federal district court for release from immigration detention.

What is mandatory detention?

Mandatory detention means that the immigration court cannot hold a bond hearing or grant someone bond in order to get out of detention. There are three groups of people whom the Immigration and Nationality Act (abbreviated as “INA”) generally subjects to mandatory detention. These three groups of people are described in three different parts of the INA:

- a. **236(c)** – People who have certain criminal convictions; some people who entered without permission may also be subject to mandatory detention under this section for certain criminal charges.
- b. **235(b)** – People who are “applicants for entry” and who are “arriving” to the United States; historically this has referred to people who present themselves at a port of entry and are arrested there (but see below for a discussion of Yajure Hurtado).
- c. **241(a)** – People who have final orders of removal, meaning that they either did not appeal the immigration judge’s decision or their appeal was also denied by the Board of Immigration Appeals. This section also applies to people who have old orders of removal, including expedited removal orders, as well as to people who were granted withholding of removal or protection under the Convention Against Torture. Those two forms of relief result in a removal order to the person’s country of origin that ICE is not permitted to carry out; under this Administration, ICE has instead been detaining people with those forms of relief and attempting to deport them to third countries. People who fall under this category are subject to mandatory detention for only the first ninety days after the order becomes final unless ICE argues that the person is preventing their own deportation by failing to comply with ICE’s requests. Once the 90 days is up, a person does not get a bond hearing; instead, ICE conducts what are called “Post-Order Custody Reviews”

that are routinely denied. This means a person often needs to file a habeas petition – which they can do 180 days after the order is final – to get another court to review whether they are likely to be deported soon.

Historically, people who do not belong to any of these categories and instead fall under another section known as 236(a) of the INA have been eligible for a bond hearing. Until recently, this group has always included those who crossed the border undetected and without inspection as well as those who entered legally, say, with a visa. In September of 2025, the Board of Immigration Appeals issued a decision, *Yajure Hurtado*, that says that immigration judges must deny a bond hearing to anyone who entered without permission, because they are still “arriving” and “applicants for entry.” In other words, the BIA made a huge number of people who have always been eligible for a bond hearing under 236(a) subject to mandatory detention under 235(b). However, on November 25, 2025, in a decision called *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.* (“*Maldonado Bautista*”), a federal court ruled that the BIA’s interpretation is wrong and that people who were arrested within the U.S. after entering without permission *should* get bond hearings nationwide. People in this category should be able to file a request for a bond hearing in immigration court, and should include a copy of the court’s order in *Maldonado Bautista* to assert their rights (more on this below!). However, the immigration judges might not follow the court’s decision and continue to deny people bond hearings and it may still be necessary to file a habeas petition to get released if the immigration judge still denies you a hearing.

When can I file a habeas petition to get out of immigration detention?

There are a few different scenarios where you can use a habeas petition to get out of immigration detention:

- a. ICE has no authority to deport you or detain you in the first place. This scenario is less common, but some people have recently been able to get out by proving, for example, that they had valid DACA (Deferred Action for Childhood Arrivals) or TPS (Temporary Protected Status), or that ICE had no reason to revoke their parole or order of supervision. Our attached instructions and annotated forms **do not** cover this scenario.
- b. ICE is using the wrong authority to deny you a bond hearing. One scenario for this might be the *Yajure Hurtado* scenario described above: if you were arrested within the U.S. and not right at the border when you arrived, but ICE and the immigration judge refuse to grant you a bond hearing. **However, you must first request a bond hearing from the immigration court, and you should include the Maldonado Bautista decisions ([here](#) and [here](#), citation *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873-SSS-BFM, Dkt. 81 & 82 (Nov. 25, 2025).) with your request.** If the immigration court *still* refuses to hold a hearing at all – not denies you bond or sets a bond amount that you cannot afford after a hearing where they consider evidence – then you can file a habeas petition. We **do** have an annotated form for this scenario.
- c. You are subject to mandatory detention, but your detention has become prolonged, meaning that it has gone on for so long that it violates your constitutional rights. Usually detention becomes prolonged if you have been detained for a period of six months or more. We **do** have an annotated form for this scenario.
- d. You have a final order of removal, but it is not likely that ICE will be able to remove you for the foreseeable future, usually because there is no progress on your deportation after you have been detained for six months or more. We **do** have an annotated form for this scenario.

What can't I use a habeas petition for?

You can't use a habeas petition to challenge how the immigration court ruled on your immigration case. For example, if you lost your asylum case in immigration court, you could not bring a habeas petition to get the federal court to review that decision, even if that decision was a long time ago and you still have a fear of return. Those kinds of challenges have to go through the appeals process, first to the BIA within 30 days of the immigration judge's removal order and then through a petition for review process to the U.S. Court of Appeals that has jurisdiction, or authority, where the immigration court is located. Sometimes you can challenge the decision of the immigration judge or the BIA through a Motion to Reopen to either the immigration judge or the BIA, but strict rules apply to these. You also generally can't use a habeas petition to challenge an immigration judge's decision to deny you release on a bond if you had a bond hearing.

Where do I file a habeas petition?

You file a habeas petition with the federal district court that has jurisdiction where you are detained. For example, if you are detained in Otay Mesa, you would file your habeas petition in the Southern District of California; if you are detained in Jena, Louisiana, you would file your habeas petition in the Western District of Louisiana. In order to figure out what district court you should file in, enter the address of the detention center where you are located [here](#). The search will return multiple kinds of federal courts; you want the "District" court. Once you know that, you can search your district court for the clerk office address. **Note** that there are a couple of exceptions to this rule: in some detention centers, you can file where the ICE Field Office Director is located: for Baker County, FL, you will file in the Southern District of Florida; for North Lake Processing Center, MI, you will file in the Eastern District of Michigan.

Who is the opposing party?

When you file a habeas petition, you become the petitioner. The "respondent" is the person you are saying is holding you illegally – meaning ICE, but also the warden of the detention center where you are being held. It is generally a good idea to put as respondents:

- The warden
- The Area Field Office Director of ICE
- The Director of ICE
- The Attorney General

For the purposes of service (providing a copy of what you are filing to the people you are suing), you should serve your local United States Attorney's office (AUSA), as well as the warden; you may also need to serve the Area Field Office for ICE, and the Attorney General, though the AUSA may accept service for all government officials. The addresses for the first two will vary by location; the Attorney General's address is:

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

How do I file a habeas petition?

Every district court has different rules for how exactly to file things. You can use the habeas petition form from the federal courts website (usable in all federal courts) and then mail **at least two copies** (some courts require 3) to the clerk's office of the appropriate district court. We also recommend filing a motion to proceed in forma pauperis and a motion for the appointment of counsel. **See our attached instructions and annotated forms for more information.** The motion to proceed in forma pauperis excuses the filing fee by letting the court know that you do not have enough money; you can alternatively pay the filing fee, which is \$5, but some courts require the motion to proceed in forma pauperis in order to appoint counsel. You must usually pay the \$5 fee by check or money order.

You may also need to serve your habeas petition and other motions, meaning that you must send copies of them to the local Assistant U.S. Attorney's office and the warden; you may also need to send them to the Area Field Office for ICE, and the Attorney General. Sometimes you need to mail these copies when you file and include a certificate of service, which is a written statement, dated and signed under penalty of perjury, that you mailed copies to the offices mentioned above. Sometimes the court will serve the respondents for you; and sometimes the court will issue a summons, a document that alerts the government that you have filed a habeas petition, that you must then send to those offices.

When in doubt, call the clerk for the district court where you are filing! Clerk's offices for the federal district are usually very helpful and will have all the information about the rules and how to file the petition correctly.

How long do habeas petitions take?

Sometimes the court will order the government to respond quickly, and sometimes the court will give them more time, up to 21 or 30 days. Once the government responds, you will have the opportunity to reply, meaning you can write to the court and say what the government got wrong. There won't usually be a hearing in a habeas case if you remain pro se (meaning without an attorney). Because the government has to have the opportunity to respond to your habeas petition and then you have the opportunity to reply to the government, a decision can take several months.

Are there risks to filing a habeas petition?

YES, if you already have a final order of removal or if you receive one while your habeas petition is pending, ICE may speed up its efforts to deport you, and may deport you to a third country. Once you are deported, you are out of detention, and so ICE can tell the court that your petition is moot, meaning there is no point to it anymore.

I want to be deported more quickly – will filing a habeas petition help?

Maybe. As noted above, if you have a final order of removal, ICE may speed up its efforts to deport you (including to a third country) rather than respond to your habeas petition in court.

INSTRUCTIONS FOR USING ANNOTATED FORMS

1. Determine which annotated form to use

The first step is to figure out which annotated form is appropriate for you to use. We have forms for three scenarios:

Scenario 1: Prolonged detention: You should use this form if you have *never* had a bond hearing because you are being held under 236(c), meaning you have certain criminal convictions or charges, or 235(b), meaning that you were arrested at or very near the border at the time of or immediately after your crossing. For example, you may have asked for asylum at a port of entry and been detained. Your detention is generally not prolonged until you have spent **six months or more** in immigration detention (but if you're in Georgia, Florida, or Louisiana, for example, you may need to wait for **12 months**).

Scenario 2: Yajure Hurtado: You should use this form if ICE and the immigration court are denying you a bond hearing because they claim that you are detained under 235(b), but you **were not** arrested at or very near the border at the time of or immediately after your crossing. For example, you may have been arrested in your home years after your entry, but because you did not enter with a visa or other permission, ICE says you are an “applicant for entry” and “arriving.” You can use this form **if you asked for a bond hearing and the IJ denied your request** (meaning that you did not even get to have a hearing about bond where the IJ considered evidence, not that the IJ denied you bond after concluding you were either a flight risk or a danger to society).

Scenario 3: Post-final order: You should use this form if you already have a final order of removal, meaning that you lost your case before the immigration judge and either did not appeal or also lost before the Board of Immigration Appeals, and if you do not have a stay of removal from a federal U.S. Court of Appeals in place. Once 180 days (six months) have passed after you received your final order (usually the date when you waived appeal or when the Board of Immigration Appeals denied your appeal), the court will assume that it is not reasonable for ICE to continue to detain you unless ICE can show that they are about to deport you or have another very good reason to hold you. **Filing a habeas petition may cause ICE to deport you faster or to attempt to deport you to a third country.**

2. Collect your blank forms and the appropriate annotated form for your scenario.

Gather the materials you will need: blank versions of a habeas form, the in forma pauperis (IFP) form, and the motion to appoint counsel, as well as the annotated version of the habeas form appropriate for your scenario. The IFP form and the motion to appoint counsel should be completed in the same manner for everyone for all three scenarios; some portions of the habeas form will also be filled out the same way regardless of which scenario you are in.

3. Fill out the habeas form.

The habeas form has 15 questions, as well as the caption, or the spaces at the top of the form. For each scenario, we have checked boxes that will be true for everyone. The habeas form is used for

people in a lot of different situations, and will have questions that are not relevant to you. **We have also provided suggested answers that you can copy as they appear for Question 8, Question 9, Question 13, Grounds for Your Challenge, Ground One, and Question 15, Request for Relief.**

Caption: You are the petitioner and your name goes above that line. On the line under the v., where it says “name of warden or authorized person having custody of petitioner,” you should write the name and title of the following people: the warden of the facility where you are held, the Area Field Office Director for ICE, the Director of ICE, and the Attorney General. Currently, the Interim Director for ICE is Todd M. Lyons, and the Attorney General is Pam Bondi. The others will vary by location.

Question 1(a): Write your full name here

Question 1(b): Write any other names you have used (for example, your maiden name if you are married)

Question 2(a): Write the name of the detention center where you are being held

Question 2(b): Write the address of the detention center where you are being held

Question 3: Check “Federal authorities”

Question 4: Check “Being held on an immigration charge”

Question 5: Check “Immigration detention”

Question 6(a): If you never requested a bond hearing because you know that you will not receive one because you are being held under mandatory detention, or post-final order, the name and location of the agency is the ICE Area Field Office and their address. If you asked for a bond hearing from the immigration court and were denied a hearing (usually a decision that says the court did not have jurisdiction), then you are challenging the immigration court’s order denying the bond hearing taking place, and you should give the name and address of the immigration court that denied you a bond hearing.

Question 6(b): This is your A number

Question 6(c): If you never asked for a bond hearing, you are challenging ICE’s custody determination and any custody reviews that you have had. If you asked for a bond hearing and were denied, you are challenging the immigration court’s decision to deny you a bond hearing.

Question 7 First Appeal (a)(1)-(6): You probably did not appeal either ICE’s decision or the immigration court’s. **If you asked for a custody redetermination from ICE**, then the name of the agency is the ICE Area Field Office where you asked for the redetermination; the date is when you requested it; the result is that they denied your request; the date is the date of the notice that you received of their denial; and the issues raised are anything that you said in your request for redetermination. **If you appealed the immigration court’s denial of a bond hearing to the Board of Immigration Appeals (BIA)**, then the name of the court is the Board of Immigration Appeals, the date is when you filed your appeal, the case number is your A number, the result is either a denial or “pending,” the date is when they denied or “pending,” and the issues raised are what you said in your appeal.

Question 7 First Appeal (b): If you did not appeal, **which is the most likely scenario**, you can say “Neither the immigration court nor the Board of Immigration Appeals can consider constitutional questions, and appealing my detention when they say they do not have jurisdiction is futile.” Futile means pointless and you are not required to appeal a decision if there is no point in doing so.

Question 8 Second Appeal: You almost certainly did not make a second appeal. If you did, it would be an appeal of the IJ's no bond jurisdiction decision to the U.S. Court of Appeals or another request for a custody review by ICE. You can say "no appeal available."

Question 9 Third Appeal: You did not make a third appeal. You can say "no appeal available."

Question 10: Mark "No"

Question 11: Mark "Yes"

Question 11(a): Put down the date that ICE arrested you.

Question 11(b): Put down the date you received a reinstatement order; the date that you waived appeal; or the date that the BIA denied your appeal. If you do not have a final order, write "No final order; immigration judge ordered removed on [DATE]" and include the date the IJ ordered you removed. If you don't have a removal order at all, write "No removal order, case pending."

Question 11(c): If you have appealed to the BIA, check "Yes," if not, check "No"; if "No," skip 11(c)(1)-(5).

Question 11(c)(1)-(5): The date is the date that you filed your appeal of your immigration case - not your bond hearing - with the BIA; the case number is your A number; for result, write whether the BIA granted or denied your appeal or, if you don't have a decision yet, write "pending"; date of result is the date of the decision or "pending"; and for issues raised, you should write all of the applications for immigration relief that you were denied and are appealing (for example, asylum, or cancellation of removal), as well as a brief summary of what you wrote in your appeal (for example, the immigration judge did not fully consider your evidence).

Question 11(d): If you have filed a petition for review (PFR) with the federal U.S. Court of Appeals, mark "Yes"

Question 11(d)(1)-(5): The date is the date that you filed your PFR; the case number is whatever the court assigned; for result, write whether your PFR was granted or denied or is pending; for date of result, write the date of the court's decision or "pending"; and for issues raised, write a brief summary of what you wrote in your appeal. **If you applied for a stay of removal, have an an automatic stay in place, or if the court granted your stay motion, you should include that information.**

****If you have won at the BIA or U.S. Court of Appeals and then had to appeal to either or both again, note this in your addendum, including all of the dates of relevant decisions.****

Question 12: Check "No" as you have probably not filed other appeals related to your detention.

Question 13: **This is scenario-specific.**

- **Scenario 1, Prolonged detention:** for GROUND ONE, write "My detention has become unconstitutionally prolonged and violates the 5th Amendment of the Constitution."
 - For supporting facts, you should be sure to include:
 - The length of your detention (for example, "I have been detained in ICE custody for 7 months.")
 - Any delays caused by the government (for example, how long did it take to get an initial hearing and subsequent hearings? Did ICE ever ask for more time between your

immigration court hearings?)

- The reason for any delays that you caused (for example, “I requested a brief continuance to seek counsel, but I have not unreasonably delayed the immigration court process.”)
 - The conditions of detention and how they affect you. For example, is the detention center like a prison? Has your physical or mental health declined? Do you have access to appropriate medical care? Hygiene? Are you far from your family? Is it hard to communicate with them? Is it hard to find counsel? Do you have limited time outside or for recreation? Are you forced to work?
 - Your ties to the community. For example, you should include any U.S. citizen family members that you have, how long you have lived where you currently live, if you were employed before you were detained, your church or clubs or volunteering, etc.
 - If you have no convictions, note that. If you have criminal convictions, briefly explain why they don’t make you a danger to society, including by going over any rehabilitation work you did following your conviction (for example, going to AA, taking a class, and paying fines or money owed).
- **Scenario 2, *Yajure Hurtado*:** for GROUND ONE, write “I am detained under 1226(a), not 1225(b), because I was not “arriving” or “seeking admission” when I was arrested by ICE since I am not a recent entrant. My continued detention without a bond hearing violates the Immigration and Nationality Act and the Fifth Amendment of the Constitution.”
 - For supporting facts, be sure to include:
 - The circumstances of your arrest by ICE, including the geographical location and how long it had been since you entered the United States.
 - How long you have lived in the U.S.
 - It may also be a good idea to include your ties to the community. For example, you should include any U.S. citizen family members that you have, how long you have lived where you currently live, if you were employed before you were detained, your church or clubs or volunteering, etc.
 - If you have no convictions, note that.
 - If you have criminal convictions, briefly explain why they don’t make you a danger to society, including by going over any rehabilitation work you did following your conviction (for example, going to AA, taking a class, paying fines and money owed).
 - For this scenario only, you can also include an attached, separate page titled “Legal Memorandum” and write:

On November 20, 2025, the Central District of California certified a nationwide class of all noncitizens who entered without inspection and who were not apprehended upon arrival. The Court also granted partial summary judgment to that class on November 25, declaring that the Board of Immigration Appeals decision in *Yajure Hurtado* wrongly interpreted the Immigration and Nationality Act, and that class members were entitled to bond hearings, as they were detained under the authority provided by 8 U.S.C. § 1226(a) and not 8 U.S.C. § 1225(b)(2)(A). See *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873-SSS-BFM, Dkt. 81 & 82 (Nov. 25, 2025).

- **Scenario 3, Post-final order:** for GROUND ONE, write “Because my deportation to any country is not significantly likely in the reasonably foreseeable future, my detention no longer serves ICE’s purpose and violates the Immigration and Nationality Act and the Fifth Amendment of the Constitution.”
 - For supporting facts, be sure to include:
 - How long you have been detained **since receiving your final order of removal**
 - How you have complied with ICE’s attempts to deport you (did you sign what they asked you to; did you communicate with your consulate etc.)
 - Why you think that it is not likely that ICE will deport you in the near future (for example, you have not heard any updates in X amount of time, you know that your country of origin will not take you back, you have claimed that you fear deportation to a third country, etc.)
 - It may also be a good idea to include your ties to the community. For example, you should include any U.S. citizen family members that you have, how long you have lived where you currently live, if you were employed before you were detained, your church or clubs or volunteering, etc. If you have no convictions, note that. If you have criminal convictions, briefly explain why they don’t make you a danger to society, including by going over any rehabilitation work you did following your conviction (for example, going to AA, taking a class, paying any money you owed).

****You may run out of room – you can add a sheet of paper and label it “Addendum to Ground One Supporting Facts”****

Question 14: Write: “Neither the immigration court nor the Board of Immigration Appeals can consider constitutional questions, and appealing my detention when they say they do not have jurisdiction is futile.”

Question 15: Write: “Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government bears the burden of proof by clear and convincing evidence that my continued detention is necessary.”

****Make sure you sign the declaration on the final page and also provide the date that you put the habeas petition in the detention center’s mail system.****

4. Complete the In Forma Pauperis form if you are filing one

Caption: This should be the same as on your habeas form.

Question 1: You are incarcerated. Fill in the name of the detention center where you are held. **You also need to get the detention center to provide you with a copy of your commissary or other account with the detention center and get an officer to sign it, or to sign a statement saying that you do not have an account.**

Question 2: You do not need to answer this question. Skip to 3.

Question 3: This is asking whether you have **received money** from any of the below sources within the past year. So for example, only check “Rent payments, interest, or dividends” if you are a landlord and have received income from a tenant paying you rent or if you have enough savings that they earn you interest or if you have stocks that have paid dividends. If you have received money from any of

them in the past year, you have to say how much from each source and how much you expect each source to pay you in the future.

Question 4: Put down how much you have in cash or in the bank; if you don't have any cash or don't have a bank account, write "not applicable."

Question 5: This question is asking about any other thing of value that you may own; normal possessions like your furniture, kitchen equipment, and clothing do not need to be listed. If you do not own your car or your house outright, do not include them. If you have a mortgage, that goes under Question 8.

Question 6: List here all of your monthly expenses, including rent, car payment, phone payment, child care, utilities, etc.

Question 7: Name everyone who is dependent on you for financial support, your relationship to them, and how much you contribute, but **if they are under 18, just use their initials**. For most people, this will likely be members of your immediate family, like your spouse and children. If you also contribute to your parents, a sibling, or other relative, you can list them as well and how much money you send them.

Question 8: If you have a mortgage, you can list it here; if you have a car payment that you already noted in Question 6, say "see car payment Question 6." If you have student loans, credit card debt, medical debt, or any other debt, list it here as well, and the bank or other institution you owe the money to.

****Make sure to sign and date the form.****

5. Complete the Request for Appointment of Counsel.

Caption: Fill in the correct court name, and put your information in the top left corner, as well as the same petitioner and respondent information as in the habeas form and IFP.

Page 1: Fill in your name. If you are also submitting an IFP form, check the first box. If you are not, check the second box.

Page 2: If you have reached out to pro bono attorneys or nonprofits seeking their help filing a habeas petition, list them here, and explain why they could not take your case. If there are no available attorneys in your area, say "There are no attorneys that I can find who assist with immigration detention habeas petitions in the area where I am detained"; if there are no pro bono attorneys, or if you have no way of contacting an attorney for the purpose of a habeas, you should write that.

Page 3: You can write that you are raising serious constitutional claims; that immigration law is complex; and list any additional difficulties you face in bringing your claim. If you have been detained for longer than 6 months, note that, as well as how detention is negatively impacting you.

****Make sure you sign and date the motion****

Affidavit: You do not have to fill this out if you filed the IFP form. If you do fill it out, the instructions are similar to the IFP form – see above.

6. Make 7 copies of the petition and motions.

You will need to send **at least two copies** to the Clerk's Office of the appropriate district court. You will also need copies to send to the Assistant U.S. Attorney's Office, the warden, and possibly the

Attorney General, and the ICE Area Field Office. You can send these when you file and also attach a signed and dated Certificate of Service, saying that you swear under penalty of perjury that you mailed copies to those offices (include their addresses) and the date you sent them. Alternatively, if your court issues a summons or handles service for pro se petitioners, you may not need to send them or to send them immediately. You can call the court clerk to ask for service instructions, or someone might be able to help you call the court clerk to ask. It is nevertheless a good idea to have multiple copies; you will want to be sure to keep at least one copy for yourself.

7. Call the clerk for the appropriate district court if possible.

Confirm the rules around filing and serving pro se habeas petitions. Confirm the correct addresses. Confirm that you are filing with the correct court. The clerk's phone number can be found on the district court's website in the contact information.

8. Follow local court instructions and mail your habeas petition, IFP, and motion to appoint counsel!

Congrats! You have now filed your habeas petition. You should get a response from the court with further instructions soon. If for some reason you have filed your habeas petition incorrectly, the court will return it with instructions for how to fix the issues that caused the court to reject it. Read those carefully and fix the problems before refileing.

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

UNITED STATES DISTRICT COURT

for the
**Put the correct court for where you
 are detained here**

Your name*Petitioner*

v.

**The warden, ICE AFOD, ICE
 Director, and Attorney General go
 here**

(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: _____
 (b) Other names you have used: _____
2. Place of confinement:
 (a) Name of institution: _____
 (b) Address: _____
- (c) Your identification number: **Your A number**
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 If you are currently serving a sentence, provide:
 (a) Name and location of court that sentenced you: _____
 (b) Docket number of criminal case: _____
 (c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

Include the location!

(b) Docket number, case number, or opinion number: **Your A number**

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

ICE's decision to detain you → could be their initial decision or custody review; OR immigration court's denial of a bond hearing

(d) Date of the decision or action: **Date you were detained; custody review denied; or bond hearing denied**

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

You probably did not appeal. If you did, it was asking ICE for another custody review or appealing the IJ's denial of bond to the BIA

(b) If you answered "No," explain why you did not appeal: _____

If ICE denied a custody review, say no appeal available. If the immigration court denied a bond hearing, say: Appeal would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

The answer here is almost certainly no!

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: No appeal available.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: No appeal available.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____ **Date that ICE arrested you**
- (b) Date of the removal or reinstatement order: _____ **In this scenario, you probably do not have a removal order**
- (c) Did you file an appeal with the Board of Immigration Appeals? _____

☐ Yes ☐ No

Select yes or no depending on if you appealed or not

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: **Your A number**
- (3) Result: **Did you win your appeal or was it denied? Is it pending?**
- (4) Date of result: **Date of BIA decision. If it hasn't been decided say "pending"**
- (5) Issues raised: _____

Note that if the BIA denied your appeal, you may need the post final order template

What did you say in your BIA appeal? What applications for relief had you filed with the immigration court?

Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

Select yes or no depending on if you appealed or not

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

For this scenario, your case is probably still at the immigration court or the BIA (or there again after a successful appeal). However, this scenario does apply if your case is on a petition for review and the federal court has ordered a stay of removal while your appeal is pending.

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

My detention has become unconstitutionally prolonged and violates the Fifth Amendment of the Constitution

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

In the supporting facts you should include: the length of your detention, any delays caused by the government, the reason for any delays you caused, the conditions of detention and how they affect you, your ties to the community, and any rehabilitation you have done for any criminal convictions (or lack of a criminal record). If you run out of space, add a sheet labeled "Addendum to Ground One"

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

If you did appeal (for example, the IJ's no jurisdiction order to the BIA), it is possible that you presented this ground, but the most likely choice here is "No"

You should be as detailed as possible when writing your supporting facts!

brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

If ICE denied release at a custody review, say no appeal available. If the immigration court denied a bond hearing, say: Appeal would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

Request for Relief

15. State exactly what you want the court to do:

Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

**Make sure you
sign and date
your petition!**

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

UNITED STATES DISTRICT COURT

**Put the correct court for where you
are detained here**

Your name

Petitioner

v.

**The warden, ICE AFOD, ICE Director,
and Attorney General go here**

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: _____
(b) Other names you have used: _____
2. Place of confinement: _____
(a) Name of institution: _____
(b) Address: _____
(c) Your identification number: **Your A number**
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

Include the location!

(b) Docket number, case number, or opinion number: **Your A number**

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Immigration court's denial of a bond hearing. NOTE: if you got a hearing but were denied bond, you should not file a habeas; it is just for denial of the hearing itself.

(d) Date of the decision or action: _____

Date bond hearing was denied

The immigration court that denied you a bond hearing after you asked for one based on the decision in Maldonado Bautista.

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

You probably did not appeal. If you did, it was appealing the IJ's denial of bond to the BIA

(b) If you answered "No," explain why you did not appeal:

If the immigration court denied a bond hearing and you did not appeal, say: Appeal should not be required because the IJ's decision violates a federal court order.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

The answer here is almost certainly no!

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: No appeal available.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: No appeal available.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: **Date that ICE arrested you** _____
- (b) Date of the removal or reinstatement order: **For this scenario, you probably do** _____
- (c) Did you file an appeal with the Board of Immigration Appeals? **not have a removal order - you can** _____
☐ Yes ☐ No **write "none"**

Your answer is probably "no"

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

For this scenario, your case is probably still at the immigration court, not on appeal.

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

For this scenario, your case is probably still at the immigration court, not on review at a circuit court. If your case is at a circuit court with a stay, this template may apply to you, but it is more complicated.

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

I am detained under 1226(a), not 1225(b), because I was not “arriving” or “seeking admission” when I was arrested by ICE since I am not a recent entrant. My continued detention without a bond hearing violates the Immigration and Nationality Act and the Fifth Amendment of the Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

In the supporting facts you should include: the circumstances of your arrest by ICE, including the geographical location and how long it had been since you entered the U.S.; how long you have lived in the U.S.; it may also be a good idea to include your ties to the community, and any rehabilitation you have done for any criminal convictions (or lack of a criminal record). If you run out of space, add a sheet labeled “Addendum to Ground One”

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

If you did appeal (for example, the IJ’s no jurisdiction order to the BIA), it is possible that you presented this ground, but the most likely choice here is “No”

You should be as detailed as possible when writing your supporting facts!

(Be brief. Do not cite cases or law.):

Check the instructions for a short Legal Memorandum you can include on a separate sheet with your habeas petition.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

You can say: Appeal should not be required because the IJ's decision violates the federal court order in Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al., 5:25-cv-01873-SSS-BFM, Dkt. 81 & 82 (Nov. 25, 2025).*

Request for Relief

15. State exactly what you want the court to do:

Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

***Current as of 12/11/2025**

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

**Make sure you
sign and date
your petition!**

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

UNITED STATES DISTRICT COURT

Put the correct court ^{for the} where you
are detained here

Your name*Petitioner*

v.

**The warden, ICE AFOD, ICE Director,
and Attorney General go here**

*Respondent**(name of warden or authorized person having custody of petitioner)*Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: _____
(b) Other names you have used: _____
2. Place of confinement: _____
(a) Name of institution: _____
(b) Address: _____
(c) Your identification number: **Your A number**
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
 - ☐ A pretrial detainee (waiting for trial on criminal charges)
 - ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 - ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

Include the location!

(b) Docket number, case number, or opinion number: **Your A number**

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

ICE's decision to detain you even though it is not likely that you will be deported soon

(d) Date of the decision or action: **Date you were detained; custody review denied**

Immigration and Customs Enforcement if you did not request a bond hearing; the immigration court that denied you a bond hearing if you did

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

You probably did not appeal. If you did, it was asking ICE for another custody review

(b) If you answered "No," explain why you did not appeal: _____

If ICE denied a custody review, say no appeal available.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

The answer here is almost certainly no!

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: No appeal available.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: No appeal available.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____ **Date that ICE arrested you for this detention**
- (b) Date of the removal or reinstatement order: _____ **Date that you waived appeal or**
- (c) Did you file an appeal with the Board of Immigration Appeals? **that the BIA denied your appeal**

☐ Yes ☐ No

**Select yes or no depending on
if you appealed or not**

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: **Your A number**
- (3) Result: **For this scenario, it was most likely denied.**
- (4) Date of result: **Date of BIA decision**
- (5) Issues raised: _____

What did you say in your BIA appeal? What applications for relief had you filed with the immigration court?

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

What did you say in your petition for review? Did you apply for a stay of removal? Do you have an automatic stay or did the court grant your stay motion?

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

Because my deportation to any country is not significantly likely in the reasonably foreseeable future, my detention no longer serves ICE's purpose and violates the Immigration and Nationality Act and the Fifth Amendment of the Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

In the supporting facts you should include: the length of your detention since you received your final order, how you have complied with ICE's attempts to remove you, why you ICE won't be able to remove you soon, your ties to the community, and any rehabilitation you have done for any criminal convictions (or lack of a criminal record). If you run out of space, add a sheet labeled "Addendum to Ground One"

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

The most likely choice here is "No"

You should be as detailed as possible when writing your supporting facts!

Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

If ICE denied release at a custody review, say no appeal available. If the immigration court denied a bond hearing, say: Appeal would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

Request for Relief

15. State exactly what you want the court to do:

Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

Signature of Petitioner

Signature of Attorney or other authorized person, if any

**Make sure you
sign and date
your petition!**

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

UNITED STATES DISTRICT COURT

for the

District of _____

Petitioner

v.

Case No. _____

(Supplied by Clerk of Court)

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: _____
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: _____
(b) Address: _____
(c) Your identification number: _____
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: _____
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):

- (d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☐ Yes ☐ No

(a) If “Yes,” provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered “No,” explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- ☐ Yes ☐ No

(a) If “Yes,” provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered “No,” explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If “Yes,” provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered “No,” explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☐ No

If “Yes,” answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If “Yes,” provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If “Yes,” provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☐ No

If “Yes,” provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☐ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff/Petitioner</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant/Respondent</i>)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____.
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|----------------------------------------------------|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ _____.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name

1 Name:

2 Address:

3 Telephone Phone:

4 Email:

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7
8 **UNITED STATES DISTRICT COURT**
9

10
11 Case No.: _____

12 ,
13 Plaintiff(s),

**REQUEST FOR
APPOINTMENT OF COUNSEL**

14 v.

15
16
17 ,
18 Defendant(s).

19
20 I, _____, move for the appointment of counsel. To support
21 this motion, I declare under penalty of perjury that (check one):

22 ☐ I have been granted, or have applied for, permission to proceed *in forma*
23 *pauperis*.

24 ☐ I have attached an affidavit demonstrating my inability to pay the cost of an
25 attorney.

26 I have made diligent efforts to obtain legal counsel but have been unsuccessful
27 because of my poverty (describe below):
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I need the assistance of an attorney with my habeas petition because (describe below):

Date

Signature

Printed Name

AFFIDAVIT IN SUPPORT OF REQUEST FOR COUNSEL

(DO NOT COMPLETE THIS PART IF YOU HAVE ALREADY SUPPLIED THIS
INFORMATION IN THE APPLICATION TO PROCEED IN FORMA PAUPERIS.)

1. Full Name:

2. Address:

3. Marital Status: ☐Single ☐Married ☐Separated ☐Divorced ☐Widowed

4. Are you presently employed? ☐Yes ☐No

*If the answer is "Yes", give your occupation, the name and address of your
employer and the gross and net amount of your salary.*

**5. If you are not presently employed, state the date of your last employment, the
name and address of your employer and your salary.**

**6. If you are married and if your spouse is employed, state his/her name,
occupation, employer, address of employer and salary.**

**7. Approximately how much money have you received in the past twelve month
from the following sources:**

as wages, salary, commissions or earned income of any kind?

1 *as workman's compensation or disability insurance?*

2
3 *as rent payments, interest, dividends?*

4
5 *as pension, annuities or life insurance payments?*

6
7 *from social security, unemployment compensation or welfare payments?*

8
9 *as gifts or inheritance?*

10
11 *from other sources?*

12
13 **8. How much money do you own or have in any checking or savings account?**

14
15 **9. Do you own or have any interest in any real estate, automobiles or other**
16 **vehicles, boats, stocks, bond, notes, or any other valuable property (excluding**
17 **ordinary household furnishings and clothing)?** ☐ Yes ☐ No

18 *If "Yes", give a description of the property and its estimated value.*