UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007

PRO SE OFFICE
Room 230

RUBY J. KRAJICK
Clerk of Court

Instructions for Filing
Petition for a Writ of *Habeas Corpus* under
28 U.S.C. § 2241 (For Immigration Matters)

To Be Used in Actions Challenging Immigration Custody

1. **Who should use this form:** You should use this form if you are in the custody (or subject to a custodial order) of immigration authorities and you wish to challenge that custody. Section 2241 *habeas corpus* petitions challenging custody generally must be filed in the district where you are confined.

2. **Who should *not* use this form:** Do not use this form to seek review of a final order of removal. Review of a final order of removal is available only in the appropriate court of appeals.

3. **Caption:** The caption is located in the top left corner on the first page of the petition. You, as the person filing the petition, are the "petitioner." Generally, the Warden or Superintendent of the institution in which you are confined is the "respondent." The respondent may also be the government official responsible for your confinement.

4. **Signature:** The petition must be signed with a pen.

5. **Fee:** The filing fee for a *habeas* petition brought under 28 U.S.C. § 2241 is $5. If you cannot afford to pay this fee, you can request that the Court waive the fee by submitting a Request to Proceed *In Forma Pauperis*.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____
_____
_____

Petitioner,

v.

_____
_____
_____
_____
_____

Respondent(s).

PETITION FOR A
WRIT OF *HABEAS CORPUS* UNDER
28 U.S.C. § 2241
(FOR IMMIGRATION MATTERS)

_____Civ. _____ ( )

I. Parties in this Petition

1. You are the Petitioner. List your name and address. If you are currently in custody, include your identification number and the name and address of your current place of confinement.

Petitioner's Name: _____

Prisoner ID#: _____

Alien #: _____

Current Institution:_____

Address: _____

_____

2. List all Respondents by name, position and place of employment. Make sure that the respondent(s) listed below are identical to those contained in the above caption. Attach additional pages of paper if necessary.

Respondent No. 1

Name: _____

Where Currently Employed: _____

Address: _____

_____

Respondent No. 2

Name: _____

Where Currently Employed: _____

Address: _____

_____

Respondent No. 3

Name: _____

Where Currently Employed: _____

Address: _____

_____

Respondent No. 4

Name: _____

Where Currently Employed: _____

Address: _____

_____

II. Nature of Challenge to Immigration Custody

1. Are you challenging:

a. ☐ the length of detention after a final order of removal has issued
b. ☐ mandatory detention during removal proceedings
c. ☐ custody pursuant to an immigration detainer
d. ☐ failure to provide a bail or bond hearing or review of a custody determination
e. ☐ other _____

2. Removal Proceedings

NOTE: The district court does not have jurisdiction to review a final order of removal; only the court of appeals can do so. Any challenge you make in this Petition to a final order of removal could be transferred to the appropriate court of appeals.

a. Did an Immigration Judge issue an order of removal?
☐ Yes, the order was issued in _____ (city, state). ☐ No

b. Did you appeal the Immigration Judge's order of removal to the Board of Immigration Appeals ("BIA") Yes ☐ No ☐

c. If yes, on what date did the BIA rule on your appeal from the order of removal?
_____

d. Did you file any other motion(s) to reopen or reconsider the BIA's final order of removal? Yes No

e. If yes, on what date(s) did the BIA decide your motion(s) to reopen or reconsider the final order of removal? _____

f. Have you filed a petition for review in the court of appeals? Yes No

g. If yes, provide the name of the court and the docket number: _____

_____

III. Custody

How long have you been in the custody of immigration authorities? _____

_____

_____

a. Were you released to the custody of immigration authorities directly from state or federal criminal incarceration? Yes No

b. Are you being held by state or federal authorities after release from criminal incarceration because of an immigration detainer ("immigration hold")? Yes No

c. If so, how long have you been held pursuant to the immigration detainer?

_____

IV. Grounds for Challenging Immigration Custody

List each ground that supports your claim that you are being detained unlawfully by (or on behalf of) immigration authorities. You may include facts such as the length of time you have been in the custody of immigration authorities, whether removal proceedings are pending or there is a final order of removal, or why you allege that there is no reasonable likelihood that you will be removed in the forseeable future. You may attach additional pages if necessary to raise additional grounds or provide additional facts.

a. Ground One: _____

_____

_____

_____

Supporting FACTS: _____

_____

_____

_____

_____

Did you raise Ground One in any administrative proceedings? Yes No

If so, indicate how you raised such claims (*e.g.,* before a District Director, Immigration Judge or the BIA) and the date and result of any decisions.

_____

_____

_____

b. Ground Two: _____

_____

_____

_____

Supporting FACTS: _____

_____

_____

_____

_____

Did you raise Ground Two in any administrative proceedings? Yes No

If so, indicate how you raised such claims (*e.g.,* before a District Director, Immigration Judge or the BIA) and the date and result of any decisions.

_____

_____

_____

c. Ground Three: _____

_____

_____

_____

Supporting FACTS: _____

_____
_____
_____
_____
_____

Did you raise Ground Three in any administrative proceedings? Yes ☐ No ☐
If so, indicate how you raised such claims (*e.g.,* before a District Director, Immigration Judge or the BIA) and the date and result of any decisions.

_____
_____
_____

d. Ground Four: _____
_____
_____
_____

Supporting FACTS: _____
_____
_____
_____
_____
_____

Did you raise Ground Four in any administrative proceedings? Yes ☐ No ☐
If so, indicate how you raised such claims (*e.g.,* before a District Director, Immigration Judge or the BIA) and the date and result of any decisions.

_____
_____
_____

V. Relief

Based on the grounds raised above, what are you asking the Court to do?

_____
_____
_____
_____
_____
_____

DECLARATION

I declare under the penalty of perjury that I have read the above and the information contained in this petition is true and correct.

_____ _____

(Date) Signature of Petitioner

IF YOU ARE IN CUSTODY:

I declare under the penalty of perjury that this Petition was (check one):

☐ delivered to facility officials for mailing or ☐ deposited in the facility's internal mail system on

_____

(Date)

_____

Signature of Petitioner