

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 –
IMMIGRATION CASES**

INSTRUCTIONS – READ CAREFULLY

This sheet contains some of the Eastern District of Pennsylvania’s rules and procedures that must be followed to file a petition under 28 United States Code (U.S.C.) Section 2241 challenging whether your immigration detention is legal. This information sheet is meant to be used for informational purposes only and is not legal advice.

- 1. Who Should Use This Form.** This petition is intended for individuals in custody or otherwise subject to official restraint because they are in immigration proceedings or subject to removal. Do not use this form if you have been charged with or convicted of a criminal offense and seek to challenge your conviction, sentence, or some other aspect of your criminal proceedings.
- 2. 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 of a material fact may lead to prosecution for perjury.
- 3. Answer all the questions.** If you do not fill out the form properly, you may be asked to give more information. You may file this form along with more pages if necessary. All hard copy filings must be filed using paper sized 8½ by 11 inches. Do not use the back of any page. You may, but are not required to, attach documents relevant to your claims, such as a Notice to Appear, prior release order (such as an Order of Supervision or Order of Release on Own Recognizance), order of removal, or other ICE or immigration court documents.
- 4. Name of Warden.** If you are in detention, the petition must name the warden of the facility where you are located as a Respondent. If you do not know the name of the warden, you can write “Warden of [your facility]”.
- 5. Required Filing Fee.** You must include the \$5.00 filing fee required by 28 U.S.C. § 1914(a). If

you are financially unable to pay the filing fee, fill out the attached Declaration and Application to Proceed In Forma Pauperis (“IFP”) in a Federal Habeas Action. You must sign the IFP application.

- 6. Submitting documents to the Court.** Mail your hard copy petition and your IFP application to:

Clerk of Court, Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse
Room 2609
601 Market Street
Philadelphia, PA 19106
ATTENTION: Immigration Habeas

If you want file-stamped copies of your petition and IFP application you must enclose an additional copy of each filing, a self-addressed stamped envelope, and include a cover sheet that asks the Court to file-stamp and return copies to you.

- 7. Service of Petition.** After you submit your petition to the Court, the Court will review your petition and, if it meets legal requirements, the Court will serve it on the Government Respondent(s) if service has not already been accomplished.
- 8. Answer or Response to Petition and Reply; Deadlines.** After your petition has been served, the Court will issue an order that sets deadlines for the Government Respondent(s) to respond to the petition and for you to file a reply to the Government Respondent(s)’ response.
- 9. Change of Address.** You are required to let the Court and other parties to the lawsuit know if your contact information changes. That includes if you are released from detention and have a new address as a result. This requirement ensures that all case filings can be sent to the correct mail address. For this reason, you must inform the Clerk’s Office in writing of any changes to your contact information. Failure to keep a current address on file with the Clerk’s Office may result in the dismissal of your case.