

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
BY A PERSON IN STATE PRETRIAL DETENTION**

Explanation and Instructions–Read Carefully

- (1) If you are detained and awaiting trial by state authorities within the Northern District of Georgia, you may use this form to challenge your pretrial detention on the ground that it violates the United States Constitution or other federal law. Do not use this form to challenge a state or federal judgment of conviction.
- (2) To proceed with this petition in federal court, you ordinarily must exhaust any state court remedies available to you. If you did not fairly present each of your grounds to the appropriate court, your petition may be dismissed.
- (3) The petition must include all grounds for relief and all facts supporting each ground, state the relief requested, be legibly handwritten or typed, and signed and dated by the petitioner under penalty of perjury. The petition also must name as respondent the warden, jailor, or other authorized person having custody of the petitioner. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.
- (4) All questions must be answered concisely in the proper space on the form. Additional pages may be used only if needed to set out additional facts to support your grounds for relief. You do not need to provide citation to law. If briefs or arguments are submitted, they should be submitted separately.
- (5) You must submit a \$5.00 filing fee when you file your petition. If you cannot afford to pay the filing fee, you must complete an Affidavit in Support of Request to Proceed In Forma Pauperis, which is available from the Office of the Clerk of this Court. You must answer every question on the affidavit, and the affidavit form must include (1) a completed certificate signed by an authorized institutional officer stating the current balance in your inmate account, and (2) a copy of the your inmate trust account balance statement for the six-month period preceding the filing of the petition.
- (6) When your petition is fully completed, you must mail the original and two copies to the address below:

Office of the Clerk
United States District Court
Northern District of Georgia
2211 U.S. Courthouse
75 Ted Turner Drive, S.W.
Atlanta, GA 30303-3361
- (7) Petitions that do not conform to these instructions shall be subject to dismissal.
- (8) You must immediately notify the Court and respondent in writing if your mailing address changes. Failure to do so may result in dismissal of your case.

This information is provided as a service to the public. While the information deals with legal issues, it does not constitute legal advice. Due to the rapidly changing nature of the law and court procedures, we rely on some information provided by outside sources. Although we make every effort to ensure the information is correct, the Clerk's Office does not warrant or guarantee the accuracy of the information provided. If you have specific legal questions or concerns, we encourage you to consult an attorney who can address and advise you on the particular circumstance of your situation. The Clerk's Office is not authorized to, and will not, provide legal advice to you. In no event will the Clerk's Office be liable to any party in any way relating to the availability, use, reliance on or inability to use the provided information or forms, or for any claim attributable to errors, omissions or other inaccuracies in any information provided.

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
BY A PERSON IN STATE PRETRIAL DETENTION**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

_____, Petitioner,
Enter full name of petitioner; identification number;
and place of confinement.

-VS-

_____, Respondent.
Enter name of Warden, Jailor, or authorized person
having custody of petitioner.

Petition

1. Name of facility where you are confined _____
Date your confinement began _____
2. Name and county of court that made the decision you are challenging

3. Case number _____
4. Decision made by the court _____

5. Date of the decision _____
6. Are you represented by counsel in that case? Yes ☐ No ☐
If "yes," provide counsel's name and address _____

7. Did you appeal the decision to a higher court? Yes ☐ No ☐

If “yes,” provide:

- (a) Name of appellate court to which you appealed _____

(b) Docket number _____
(c) Result of appeal _____
(d) Date of result _____

8. After the first appeal, did you file a second appeal to a higher court?

Yes ☐ No ☐

If “yes,” provide:

- (a) Name of appellate court to which you appealed _____

(b) Docket number _____
(c) Result of appeal _____
(d) Date of result _____

9. After the second appeal, did you file a third appeal to a higher court?

Yes ☐ No ☐

If “yes,” provide:

- (a) Name of appellate court to which you appealed _____

(b) Docket number _____
(c) Result of appeal _____
(d) Date of result _____

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

Yes ☐ No ☐

If “yes,” provide:

(a) Nature of proceeding _____

(b) Name and county of court _____

(c) Date of filing _____

(d) Docket number _____

(e) Issues raised _____

(f) Result _____

(g) Date of result _____

(h) Did you appeal the result? Yes ☐ No ☐

If so, to which court? _____

What was the result? _____

Date of result _____

11. State concisely every ground that supports your claim that your pretrial detention violates the United States Constitution or other federal law. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

Do not cite any law in your statement of facts.

A. Ground One: _____

Supporting FACTS (Tell your story briefly without citing cases or law): _____

B. Ground Two: _____

Supporting FACTS (Tell your story briefly without citing cases or law): _____

C. Ground Three: _____

Supporting FACTS (Tell your story briefly without citing cases or law): _____

D. Ground Four: _____

Supporting FACTS (Tell your story briefly without citing cases or law): _____

12. If any of the grounds listed in questions 11 A, B, C, and D were not previously presented in state court, state briefly what grounds were not so presented, and give your reasons for not presenting them:

13. State exactly what you want this court to do: _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed on _____
(Date)

Signature of Petitioner

Signature of Attorney (if applicable)