

**Instructions for Filing a Petition Under 28 U.S.C. § 2241
for Writ of Habeas Corpus by a Person in Federal Custody
in the United States District Court for the Western District of Pennsylvania**

1. Who May Use This Form. If you are detained in the Western District of Pennsylvania, you may use this form to challenge the execution of your federal sentence by the United States Bureau of Prisons or to challenge your detention by federal immigration authorities. You are asking for release or earlier release on the grounds that your detention or future detention violates the United States Constitution or other federal law. You should not use this form to challenge a state or federal judgment of conviction or sentence. If you are challenging a conviction or sentence entered against you by a state court, you should file a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. If you are challenging a judgment of conviction or sentence entered by a federal court, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment. Any claim that may be brought or has already been brought in a motion under 28 U.S.C. § 2255 may not be brought using this form unless it appears that the § 2255 motion is inadequate or ineffective to test the legality of your detention. If you have been sentenced to death, you are entitled to the assistance of counsel and you should request the appointment of counsel.

2. The Form. **Local Rule 2241.2 governs the form of 2241 petitions that are filed with this court. Please refer to that local rule.** All filings in 28 U.S.C. § 2241 proceedings must be typed, word-processed or neatly written in ink. All filings must be submitted on paper sized 8 ½ by 11 inches. No writing or typing shall be made on the back of any filing. If you need more space in order to fill out this form, you may attach additional pages. If you attach additional pages, be sure to identify which section of the petition is being continued and number all pages.

3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.

4. The Filing Fee. The filing fee for this action is \$5.00. If you are unable to pay the filing fee, you may request permission to proceed *in forma pauperis* by completing and signing the Application to Proceed *In Forma Pauperis*. You must have an official at the prison or jail complete the certificate at the bottom of the application form.

5. Filing. The original Section 2241 petition shall be filed with the Clerk of Court. If the petitioner is represented by counsel, Electronic Case Filing (ECF) procedures apply.

6. Where to File. You should **file your petition in the division where you are detained.**

If you are detained in Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Washington, or Westmoreland County, you should file your petition in the Pittsburgh Division. If you are detained in Crawford, Elk, Erie, Forest, McKean, Venango, or Warren County, you should file your petition in the Erie Division. If you are detained in Bedford, Blair, Cambria, Clearfield, or Somerset County, you should file your petition in the Johnstown Division. **Mail the original petition with the \$5.00 filing fee or the application to proceed *in forma pauperis* to:**

Pittsburgh Division:

Clerk, United States Courthouse
700 Grant Street
Pittsburgh, PA 15219

Erie Division:

Clerk, United States Courthouse
17 South Park Row
Erie, PA 16501

Johnstown Division:

Clerk, United States Courthouse
Penn Traffic Building
319 Washington Street
Johnstown, PA 15901

7. Change of Address. You must immediately notify the Court and respondents in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must provide the respondents with a copy of any document you submit to the Court (except the initial petition and application to proceed *in forma pauperis*). Each original document (except the initial petition and application to proceed *in forma pauperis*) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the respondents and the address to that it was mailed. Any document received by the Court which does not include a certificate of service may be stricken. A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed
this _____ (month, day, year) to:

Name: _____

Address: _____

Attorney for Respondent(s)

(Signature)

9. Letters. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

10. Exhaustion. In order to proceed with this petition in federal court, you ordinarily must exhaust any administrative remedies available to you. If you did not fairly present each of your grounds to the appropriate administrative agencies, your petition may be dismissed.

Number/Alien Registration Number

Place of Confinement

Mailing Address

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|--|
| <p>_____ (Full Name of Petitioner)</p> |) | |
| |) | |
| Petitioner, |) | Case No. _____ |
| |) | (To be supplied by Clerk) |
| |) | |
| vs. |) | Petitioner Under 28 U.S.C. § 2241 |
| |) | For a Writ Of Habeas Corpus |
| _____ (Name of Warden, Jailor or authorized person having custody of Petitioner) |) | By a Person In Federal Custody |
| |) | |
| |) | |
| Respondent. |) | |

PETITION

1. What are you challenging in this petition?
 - Bureau of Prisons sentence calculation or loss of good-time credits
 - Immigration detention
 - Probation, parole or supervised release
 - Other (explain): _____

2. (a) Name and location of the agency or court that made the decision you are challenging: _____

- (b) Case or opinion number: _____

- (c) Decision made by the agency or court: _____

(d) Date of the decision: _____

3. Did you appeal the decision to a higher agency or court? Yes No

If yes, answer the following:

(a) First appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Second appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(c) Third appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

4. If you did not appeal the decision to a higher agency or court, explain why you did not: _____

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition?

Yes

No

If yes, answer the following:

(a) Name of the agency or court: _____

(b) Date you filed: _____

(c) Opinion or case number: _____

(d) Result: _____

(e) Date of result: _____

(f) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

6. For this petition, **state every ground on which you 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.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available administrative remedies on each ground on which you request action by the federal court.

GROUND ONE: _____

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you exhaust all available administrative remedies relating to Ground One? Yes No

(c) If yes, did you present the issue to:

- The Office of General Counsel
- The Board of Immigration Appeals
- The Parole Commission
- Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground One, explain why:

(b) Did you exhaust all available administrative remedies relating to Ground Four? Yes No

(c) If yes, did you present the issue to:

- The Office of General Counsel
- The Board of Immigration Appeals
- The Parole Commission
- Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground Four, explain why:

Please answer these additional questions about this petition:

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes No
(Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes No

If yes, answer the following:

(1) Name of court: _____

(2) Case number: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Explain why the remedy under § 2255 is inadequate or ineffective: _____

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: _____

(b) Date of removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals? Yes No

(1) Date you filed: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(d) Did you file an appeal with the federal court of appeals?

Yes No

(1) Name of the court: _____

(2) Date you filed: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

9. Petitioner asks that the Court grant the following relief: _____

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, day, year).

Signature of Petitioner

Signature of attorney, if any

Date