### 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. You must tell the truth and sign the form. **A false statement may lead to prosecution.** No notary is required. Petitions which do not conform to these instructions may be returned.

All questions must be answered clearly and concisely in the space on the form. Additional pages are not permitted except with respect to the **facts** which you rely upon to support your grounds for relief. **You do not need to cite law.** If you want to submit arguments, you must file a separate memorandum. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.** 

- 4. **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.
- 5. **Required Filing Fee.** You must pay a filing fee of \$5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must submit a written motion (a form is available from the Clerk's Office). Also you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money the institution is holding for you.
- 6. **Submitting Documents to the Court:** When you have completed the form, send the original and one copy (for your records), along with the \$5 filing fee (or your motion to proceed *in forma pauperis*), to the Clerk of Court at either address (or submit to prison library staff if you are at an institution that participates in the electronic filing program):

United States District Court Southern District of Illinois P. O. Box 249 East St. Louis, IL 62202 United States District Court Southern District of Illinois 301 S. Main Street Benton, IL 62812

7. **Change of Address**. You must notify the Court in writing of your new address within 7 days after a transfer or other change in address occurs. Failure to do so may result in dismissal of your case.

# **UNITED STATES DISTRICT COURT**

for the

Southern District of Illinois

Petitioner (the name under which you were convicted)	)	
v.	)	Case Number:
Respondent authorized person having custody of Petitioner)	)	

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

	Personal Information
(	(a) Your full name:
(	(b) Other names you have used:
]	Place of confinement:
(	(a) Name of institution:
(	(b) Address:
	(c) Your identification number:
	Are you currently being held on orders by:
	☐ Federal authorities ☐ Other - explain:
	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
	(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)

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):  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):  Your Earlier Challenges of the Decision or Action  First appeal  Oid you appeal the decision, file a grievance, or seek an administrative remedy?	☐ Pretrial d	••••
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	(b) If you answered "No," explain why you did not file a third appeal:	Third and After the street Yes  (a) If "Y	ppeal e second appeal, did you file a third appeal to a higher authority, agency, or court?  No Ves," 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:
	(b) If you answered "No," explain why you did not file a third appeal:	Third and After the street Tyes  (a) If "Y	ppeal e second appeal, did you file a third appeal to a higher authority, agency, or court?  No Ves," 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:
	(b) If you answered "No," explain why you did not file a third appeal:	Third and After the street Yes  (a) If "Y	ppeal e second appeal, did you file a third appeal to a higher authority, agency, or court?  No Ves," 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:
	(b) If you answered "No," explain why you did not file a third appeal:	Third and After the Tyes (a) If "Y	ppeal e second appeal, did you file a third appeal to a higher authority, agency, or court?  No Ves," 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:
		Third and After the Tyes (a) If "Y	ppeal e second appeal, did you file a third appeal to a higher authority, agency, or court?  No Ves," 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:

Motio	on under 28 U.S.C. § 225	55
In this	s petition, are you challen	ging the validity of your conviction or sentence as imposed?
□Yes	□ No	
If "Y€	es," 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:	
	(4) D14.	
	(5) Date of result:	
	(6) Issues raised:	
(b)	·	notion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A),
		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 remed	ly under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your
	conviction or sentence:	

10.

Appeals of immigration proceedings  Does this case concern immigration proceedings?  Tyes		
Does this case concern immigration proceedings?    Yes		
Does this case concern immigration proceedings?    Tyes		
Dyes		
If "Yes," provide:  Date you were taken into immigration custody:  Date of the removal or reinstatement order:  Did you file an appeal with the Board of Immigration Appeals?  Yes	Does 1	this case concern immigration proceedings?
(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	∃Yes	□ No
Date of the removal or reinstatement order:  Did you file an appeal with the Board of Immigration Appeals?  Yes		If "Yes," provide:
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:  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:	(a)	Date you were taken into immigration custody:
□ Yes □ No  If "Yes," provide: (1) Date of filing: (2) Case number: (3) Result: (4) Date of result: (5) Issues raised:  □ Yes □ No  If "Yes," provide: (1) Name of court: (2) Date of filing: (3) Case number: (4) Result: (5) Date of result:	(b)	Date of the removal or reinstatement order:
If "Yes," provide:  (1) Date of filing: (2) Case number: (3) Result: (4) Date of result: (5) Issues raised:  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:	(c)	Did you file an appeal with the Board of Immigration Appeals?
(1) Date of filing: (2) Case number: (3) Result: (4) Date of result: (5) Issues raised:  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:		
(2) Case number: (3) Result: (4) Date of result: (5) Issues raised:  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:		
(d) Did you appeal the decision to the United States Court of Appeals?    Yes		• • • • • • • • • • • • • • • • • • • •
(d) Did you appeal the decision to the United States Court of Appeals?    Yes		
(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:		
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:		(4) Date of result:
☐ Yes ☐ No  If "Yes," provide:  (1) Name of court: (2) Date of filing: (3) Case number: (4) Result: (5) Date of result:		(5) Issues raised:
☐ Yes ☐ No  If "Yes," provide:  (1) Name of court:  (2) Date of filing:  (3) Case number:  (4) Result:  (5) Date of result:		
☐ Yes ☐ No  If "Yes," provide:  (1) Name of court:  (2) Date of filing:  (3) Case number:  (4) Result:  (5) Date of result:		
☐ Yes ☐ No  If "Yes," provide:  (1) Name of court: (2) Date of filing: (3) Case number: (4) Result: (5) Date of result:	(d)	Did you appeal the decision to the United States Court of Appeals?
If "Yes," provide:  (1) Name of court:  (2) Date of filing:  (3) Case number:  (4) Result:  (5) Date of result:	(4)	
(1) Name of court: (2) Date of filing: (3) Case number: (4) Result: (5) Date of result:		
(2) Date of filing: (3) Case number: (4) Result: (5) Date of result:		
(3) Case number: (4) Result: (5) Date of result:		(a) B + CCI.
(4) Result: (5) Date of result:		
(5) Date of result:		(4) December
(6) Issues raised:		(5) Date of result:
		(6) Issues raised:

e in This Petition  ou are being held in violation of the Constitutio	(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  State every ground (reason) that supports your claim that you are being held in violation of the Constitutio laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.	onici man me app	eals you listed above, have you filed any other petition, application, or motion about the
e in This Petition  ou are being held in violation of the Constitution	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  State every ground (reason) that supports your claim that you are being held in violation of the Constitutio laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.  GROUND ONE:	raised in this petition	on?
e in This Petition  ou are being held in violation of the Constitution	(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  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.  GROUND ONE:	□Yes	□ No
e in This Petition  ou are being held in violation of the Constitution	(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  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.  GROUND ONE:	If "Yes," provide:	
e in This Petition  ou are being held in violation of the Constitution	(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  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.  GROUND ONE:	(a) Kind of petitio	n, motion, or application:
e in This Petition  ou are being held in violation of the Constitution	(d) Docket number, case number, or opinion number:  (e) Result:  (f) Date of result:  (g) Issues raised:  Grounds for Your Challenge in This Petition  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.  GROUND ONE:	(b) Name of the au	uthority, agency, or court:
e in This Petition  ou are being held in violation of the Constitution	(d) Docket number, case number, or opinion number:  (e) Result:  (f) Date of result:  (g) Issues raised:  Grounds for Your Challenge in This Petition  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.  GROUND ONE:	(c) Date of filing:	
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ges if you have more than four grounds. State th	facts supporting each ground.  GROUND ONE:		Grounds for Your Challenge in This Petition
	GROUND ONE:	State every ground	_
			(reason) that supports your claim that you are being held in violation of the Constituti
		laws, or treaties of	(reason) that supports your claim that you are being held in violation of the Constitution the United States. Attach additional pages if you have more than four grounds. State
	(a) Supporting facts (Be brief. Do not cite cases or law.):	laws, or treaties of	(reason) that supports your claim that you are being held in violation of the Constitution the United States. Attach additional pages if you have more than four grounds. State
	(a) Supporting facts (Be brief. Do not cite cases or law.):	laws, or treaties of	(reason) that supports your claim that you are being held in violation of the Constitution the United States. Attach additional pages if you have more than four grounds. State
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		laws, or treaties of facts supporting ea	(reason) that supports your claim that you are being held in violation the United States. Attach additional pages if you have more than for such ground.

12.

Other appeals

GROUND TWO:	
(a) Supporting facts	s (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:	
<del>-</del>	
(a) Supporting facts	s (Be brief. Do not cite cases or law.):
.,	
-	
(b) Did vou present	Ground Three in all appeals that were available to you?
□Yes	□ No
_ 1 🕶	
GROUND FOUR:	
GROOT D T GOIL.	
(a) Supporting facts	S (Be brief. Do not cite cases or law.):
(a) Supporting facts	s (be one). Do not the tases of law.j.

	(b) Did you p	resent Ground Four in all ap	opeals that were available to you?
	□Yes	□ No	
14.	If there are any	y grounds that you did not p	present in all appeals that were available to you, explain why you did
	not:		
			Request for Relief
15. St	ate exactly what	you want the court to do:	

### **Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date	e did you place this petition in the prison mail system:
	he petitioner, I have read this petition or had it read to me, and the et. I understand that a false statement of a material fact may serve as the basis
Date:	
	Signature of Petitioner
	Signature of Attorney or other authorized person, if any