

## Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

### Instructions

1. Petitions brought under 28 U.S.C. § 2241 usually involve one of the following situations:
  - a. A federal prisoner believes that the Bureau of Prisons (“BOP”) has wrongly computed his or her release date;
  - b. A federal prisoner believes that the BOP has wrongly taken away some of his or her “goodtime credits” to extend the duration of confinement;
  - c. A federal prisoner is seeking an expedited transfer to a “residential re-entry center” or “half way house;”
  - d. A person is in federal or state custody because of something other than a judgment of conviction (such as, pretrial detention or awaiting extradition); or
  - e. A person is being detained by federal immigration authorities while awaiting deportation.
2. Answer each question on the form with legible handwriting or have it typewritten. The form must be signed as instructed on the last page of the form.
3. Every petition for habeas corpus must be sworn to under oath. Therefore, any false statement of material fact provided on the form may serve as a basis of prosecution and conviction for perjury. Petitioners should exercise due care to assure that all answers are true and correct.
4. To start a case under 28 U.S.C. § 2241, the petitioner must submit the following to the Clerk’s Office:
  - a. A completed Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 form.
  - b. A completed Civil Cover Sheet.
  - c. The \$5.00 filing fee **OR** request to waive the filing fee by submitting a completed Application to Proceed in District Court without Prepaying Fees or Costs form (IFP).
5. When you have completed the form, send the signed original to the following address:

United States District Court, District of Minnesota Clerk’s Office  
Diana E. Murphy United States Courthouse  
300 South Fourth Street, Suite 202  
Minneapolis, MN 55415

(612) 664-5000

6. The Court has a Pro Se Guidebook for Petitions for Writ of Habeas Corpus Under 28 U.S.C. § 2241 that you may consult for additional information. You may obtain a copy of this Guidebook by contacting the Clerk’s Office at the contact information provided above.

# UNITED STATES DISTRICT COURT

for the  
District of \_\_\_\_\_

_____	)	
_____	)	
_____	)	
<i>Petitioner</i>	)	
	)	
v.	)	Case No. _____
	)	<i>(Supplied by Clerk of Court)</i>
	)	
	)	
_____	)	
<i>Respondent</i>	)	
<i>(name of warden or authorized person having custody of petitioner)</i>	)	

### 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       State 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 you: \_\_\_\_\_  
\_\_\_\_\_

(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)
  - Pretrial detention
  - Immigration detention
  - Detainer
  - 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*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. 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*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - (d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**
- Did you appeal the decision, file a grievance, or seek an administrative remedy?
- Yes                       No
- (a) If “Yes,” 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: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered “No,” explain why you did not appeal: \_\_\_\_\_

\_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

(a) If “Yes,” 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: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered “No,” explain why you did not file a second appeal: \_\_\_\_\_

\_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If “Yes,” 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: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered “No,” explain why you did not file a third appeal: \_\_\_\_\_

\_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes                       No

If “Yes,” 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: \_\_\_\_\_
  - (2) Case number: \_\_\_\_\_
  - (3) Date of filing: \_\_\_\_\_
  - (4) Result: \_\_\_\_\_
  - (5) Date of result: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to 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 remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(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  No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

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

- Yes                       No

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**

13. 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) Supporting facts *(Be brief. Do not cite cases or law.)*:

---

---

---

---

---

---

---

---

(b) Did you present Ground One in all appeals that were available to you?

Yes                       No

**GROUND TWO:**

---

---

---

---

(a) Supporting facts *(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:**

---

---

---

---

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

---

---

---

---

---

---

---

---

(b) Did you present Ground Three in all appeals that were available to you?

Yes                       No



**GROUND FOUR:**

---

---

---

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

---

---

---

---

---

---

---

---

(b) Did you present Ground Four in all appeals that were available to you?

Yes                       No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

---

---

---

**Request for Relief**

15. State exactly what you want the court to do:

---

---

---

---

---

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

---

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Petitioner*

\_\_\_\_\_  
*Signature of Attorney or other authorized person, if any*