

INSTRUCTIONS FOR FILING AN APPLICATION UNDER 28 U.S.C. § 2241 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE OR FEDERAL CUSTODY

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 wish to challenge a detainer*); 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. File this application in the United States District Court for the district in which you are incarcerated.
4. Make sure the form is typed or neatly written on 8 ½ x 11 inch paper. Do not write on the back of any page. You may submit additional pages if necessary. If you attach additional pages, number the pages and indicate which section of the petition is being continued.
5. You must tell the truth and sign the form. If you make a false statement of material fact, **you may be prosecuted for perjury.**
6. Answer all the questions. You do not need to cite law. In addition to your petition, you should send the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case, if such documents are in your possession.
7. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
8. The filing fee is \$5.00. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may apply to proceed without prepayment of fees or costs. To do that, you must fill out a separate form provided by the court. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
9. When you have completed the form, mail the original to the Clerk of the United States District Court for the district **where you are incarcerated.** Keep an identical copy of the application for your records. If you do not retain a copy of your application and later request a copy from the Clerk, you will be required to pay a copying fee of \$0.50 per page.
10. A judge will decide whether the respondent must answer the application. You will receive notice of any action taken by the court.

NOTE: If you are transferred to another institution or released from custody, you must promptly inform the Clerk of your new address. If you will be in transit for weeks or months, you must promptly inform the Clerk that you are in transit, and then inform the Clerk of your new address when you reach your designated institution.