

**APPLICATION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241  
BY A PERSON IN CUSTODY**

**INSTRUCTIONS---READ CAREFULLY**

1. **Use This Form** – If you are a pretrial detainee challenging your pre-conviction custody, a federal prisoner challenging the execution of your sentence or actions taken by the Bureau of Prisons, a person in custody challenging an immigration-related order (other than a removal order), or in other situations where relief is not available under 28 U.S.C. § 2254 or 28 U.S.C. § 2255.

**Do Not Use This Form If You Are Challenging the Constitutionality of Your State Court Conviction or Sentence.** INSTEAD, USE THE FORM ENTITLED “PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY.”

**Unless 28 U.S.C. § 2255 is Inadequate or Ineffective to Test the Legality of Your Detention, Do Not Use This Form If You Are Challenging Your Federal Conviction or Sentence.** INSTEAD, USE THE FORM ENTITLED “MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY.”

2. **Readable** – You may either type or neatly handwrite the information on the following form. It must be readable.
3. **Responding to Questions on the Form** – You must answer all applicable questions. You may respond to any question on the form that does not apply to you by inserting “NA” or “not applicable.”
4. **Signed Under Penalty of Perjury** – Your application must be signed. Your signature indicates that the application is signed “under penalty of perjury.” This means that any false statement of a material fact presented in your application may serve as a basis for prosecution and conviction for perjury. Your signature does **not** have to be witnessed by a notary public. The application may also be signed by a person authorized to sign it for you, such as an attorney.
5. **Copies and Proper Court** – When the application is fully completed, you must mail the **original and two (2) copies** to: Clerk of Court, United States District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Milwaukee, WI 53202.
6. **All Grounds** – You must include all grounds for relief in this application and the facts supporting each ground for relief. If you fail to do so, you may be prevented from presenting additional grounds at a later date.
7. **Legal Citations and Arguments** – You should not cite to legal authorities (*i.e., case law or statutes*) **on this form**. If you want to cite to legal authority, you must do so in a separate memorandum no longer than fifteen (15) pages. Excess pages will not be considered.
8. **Fee** – You must either (a) pay the filing fee of \$5.00 or (b) if you do not have the \$5.00, you may request permission to proceed *in forma pauperis* (as a poor person), in which event you must complete and sign the petition and affidavit attached to this application and have an authorized officer at the penal institution complete and sign the attached certificate
9. **Prisoner E-Filing Program** – Inmates confined at Dodge Correctional Institution, Green Bay Correctional Institution, Waupun Correctional Institution, Wisconsin Secure Program Facility, Columbia Correctional Institution, and Oshkosh Correctional Institution must submit all correspondence and case filings, including the habeas petition and any *in forma pauperis* petition, to institution staff for filing.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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\_\_\_\_\_, Applicant,  
Full Name (under which you were convicted or detained)

\_\_\_\_\_  
Prisoner or "A" Number ("Alien Registration Number")

\_\_\_\_\_  
Custodial Location

vs.

\_\_\_\_\_, Respondent(s).  
Name of Warden, Superintendent, Sheriff, or  
Authorized Person Having Custody of the Applicant.<sup>1</sup>

Docket No. \_\_\_\_\_  
(to be supplied by Clerk)

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APPLICATION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241  
BY A PERSON IN CUSTODY

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Caution: THIS IS NOT THE FORM TO BE USED IF YOU CLAIM THAT YOU ARE INNOCENT OF THE CRIME(S) FOR WHICH YOU WERE CONVICTED; IF YOU CLAIM YOU WERE FOUND GUILTY BY A STATE COURT IN VIOLATION OF THE LAWS OR CONSTITUTION OF THE UNITED STATES; OR, IF YOU CLAIM THAT YOUR FEDERAL SENTENCE OR CONVICTION IS UNLAWFUL, UNLESS 28 U.S.C. § 2255 IS INADEQUATE OR INEFFECTIVE TO TEST THE LEGALITY OF YOUR DETENTION.

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<sup>1</sup>If the applicant is confined, the proper respondent is the officer who has custody of the applicant.

I. GENERAL INFORMATION

A. Your name (under which you were convicted or detained)

\_\_\_\_\_

Other names used \_\_\_\_\_

\_\_\_\_\_

B. Address of custodial location \_\_\_\_\_

\_\_\_\_\_

II. SUBJECT OF THIS APPLICATION

A. Check the type of decision or action that you are challenging:

G Denial of parole

G Revocation of parole

G Disciplinary matter

G Revocation/calculation of good time credits

G Detainer/illegal pretrial detention

G Detention by Immigration and Customs Enforcement (ICE)

G Other (describe briefly the type of decision or action involved)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Who made the decision or took the action? \_\_\_\_\_

C. Date of decision or action \_\_\_\_\_

D. Was there a hearing of any kind?

G Yes    G No

SUBJECT OF THIS APPLICATION - continued

If yes,

1. First Hearing:

- a. Date \_\_\_\_\_
  - b. Location \_\_\_\_\_
  - c. Conducted by \_\_\_\_\_
  - d. Result \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

2. Second Hearing:

- a. Date \_\_\_\_\_
  - b. Location \_\_\_\_\_
  - c. Conducted by \_\_\_\_\_
  - d. Result \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

3. Future Hearings:

- a. Date \_\_\_\_\_
- b. Location \_\_\_\_\_

If no, and you are an immigration detainee, state why you are not in removal proceedings:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SUBJECT OF THIS APPLICATION - continued

4. If you are an immigration detainee, what is your current custody determination?

G Ordered detained without bond

G Ordered released upon posting a bond in the amount of \$ \_\_\_\_\_

G Other: \_\_\_\_\_

Attach a copy of the Notice of Custody Determination [Form I-286]

a. Did you request a bond before the immigration judge?

G Yes      G No

If yes, attach a copy of the immigration judge's decision to your petition.

b. How long have you been detained as an immigration detainee? \_\_\_\_\_

c. Have you been ordered removed or given voluntary departure by an Immigration Judge?

G Yes      G No

If yes, attach a copy of the order of removal or order of voluntary departure to your petition.

E. Were you represented by an attorney, counselor, or by a staff representative at any hearing?

G Yes      G No

If yes, give name and address

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

F. If you are challenging your illegal pretrial detention, complete the following:

1. Charge(s) \_\_\_\_\_

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

2. Name and location of court(s) in which charge(s) is/are pending

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

3. Case or docket number(s) \_\_\_\_\_

4. Date of arrest or date that you were initially confined on charge(s)

\_\_\_\_\_

SUBJECT OF THIS APPLICATION - continued

G. If you are in custody after conviction and sentencing, complete the following:

1. Offense(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Name and location of court which imposed the sentence \_\_\_\_\_  
\_\_\_\_\_
3. Case or docket number(s) \_\_\_\_\_
4. Date of conviction \_\_\_\_\_
5. Date of sentencing \_\_\_\_\_
6. Length of sentence \_\_\_\_\_
7. Did you appeal the conviction?  
G Yes      G No

If yes, attach a copy of the decision(s) that resolved your appeal and answer the following questions.

a. First appeal:

1. Court \_\_\_\_\_
2. Case or docket number(s) \_\_\_\_\_
3. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Result \_\_\_\_\_
5. Date \_\_\_\_\_

b. Second appeal:

1. Court \_\_\_\_\_
2. Case or docket number(s) \_\_\_\_\_
3. Grounds raised \_\_\_\_\_  
\_\_\_\_\_

SUBJECT OF THIS APPLICATION- continued

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4. Result \_\_\_\_\_

5. Date \_\_\_\_\_

8. Have you challenged this sentence in any other post conviction proceeding?

G Yes      G No

If yes, attach a copy of the decision(s) that resolved your challenge and answer the following questions.

a. Court \_\_\_\_\_

b. Case or docket number(s) \_\_\_\_\_

c. Grounds raised \_\_\_\_\_

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d. Result \_\_\_\_\_

e. Date \_\_\_\_\_

III. PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES

A. Did you appeal the decision or action listed in Section II(A) to a federal court previously?

G Yes      G No

If yes, attach the decision(s) that resolved your appeal and answer the following questions.

1. Date of filing appeal \_\_\_\_\_

2. Grounds raised \_\_\_\_\_

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3. Result \_\_\_\_\_

4. Date \_\_\_\_\_

PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES - continued

B. Have you filed any previous lawsuit(s) related to your present application?

G Yes    G No

If yes, attach the decision(s) that resolved your previous suit and answer the following questions.

1. Name and location of court \_\_\_\_\_  
\_\_\_\_\_
2. Date of filing \_\_\_\_\_
3. Case or docket number(s) \_\_\_\_\_
4. Nature of suit \_\_\_\_\_
5. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Result \_\_\_\_\_
7. Date \_\_\_\_\_

C. If your application concerns a federal parole matter (for example, denial, modification, or revocation of parole), complete the following:

Did you appeal the decision to the Regional Commissioner?

G Yes    G No

If yes, attach the Regional Commissioner's decision on your appeal and answer the following questions.

1. Date of filing appeal \_\_\_\_\_
2. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Result \_\_\_\_\_
4. Date \_\_\_\_\_



PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES - continued

D. Did you appeal the decision to the National Appeals Board/U.S. Parole Commission?

G Yes      G No

If yes, attach the National Appeals Board/U.S. Parole Commission's decision on your appeal and answer the following questions.

1. Date of filing appeal \_\_\_\_\_

2. Grounds raised \_\_\_\_\_

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

3. Result \_\_\_\_\_

4. Date \_\_\_\_\_

E. If your application concerns an immigration matter, complete the following:

1. If the immigration judge rendered a decision on your custody, did you appeal the immigration judge's decision to the Board of Immigration Appeals?

G Yes      G No

If yes, state the status of the appeal.

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

If no, state why you did not appeal the immigration judge's decision:

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

2. Do you have any pending appeals before the Board of Immigration Appeals?

G Yes      G No

If yes, please describe each appeal:

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

PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES - continued

F. If your application concerns something other than parole or an immigration detention, (for example, a disciplinary matter), complete the following about administrative remedy procedures. (If you are a federal prisoner, see 28 C.F.R. § 542.10.)

1. Did you attempt to resolve your complaint informally?

G Yes            G No

2. Did you file a formal complaint?

G Yes            G No

3. Did you appeal to the warden?

G Yes            G No

4. Did you appeal to the Secretary of Corrections or to the Regional Commissioner?

G Yes            G No

5. Did you appeal to the General Counsel (if applicable)?

G Yes            G No

6. If you did not use the available administrative remedy procedure, explain why you did not.

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G. Attach copies of your incident report or parole rationale (where appropriate), your request(s) for an administrative remedy or notice of appeal to the Board of Immigration Appeals and any response(s) or decision(s) of the Board of Immigration Appeals or any other administrative entity that you received. If you cannot do so, explain why the materials are unavailable.

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IV. GROUNDS FOR RELIEF

State concisely every ground supporting your contention that you are being confined unlawfully. Provide a short and plain statement of facts setting forth in numbered paragraphs each ground you are presenting for relief without citing law. If the space provided is insufficient to set forth your grounds for relief and/or supporting facts, you may attach extra page(s) to this form.

However, as stated in paragraph seven (7) of the Instructions, you should not cite to legal authority (i.e., case law or statutes) on this form. If you want to cite to legal authority, you must do so in a separate memorandum no longer than fifteen (15) pages.

Ground One \_\_\_\_\_

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Supporting FACTS (Briefly summarize the facts without citing cases or law.)

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Ground Two \_\_\_\_\_

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Supporting FACTS (Briefly summarize the facts without citing cases or law.)

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GROUNDS FOR RELIEF - continued

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Ground Three \_\_\_\_\_

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Supporting FACTS (Briefly summarize the facts without citing cases or law.)

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GROUND FOR RELIEF - continued

Ground Four \_\_\_\_\_

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Supporting FACTS (Briefly summarize the facts without citing cases or law.)

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V. REQUEST FOR RELIEF

State exactly what you want the court to do for you.

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

VI. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, hereby declare under penalty of perjury that the foregoing information is true and correct.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
(Signature of Lawyer, if any)

If you are signing the application and are not the applicant, state your relationship to the applicant and explain why the applicant is not signing this application.

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

VII. CERTIFICATE OF INMATE MAILING - Optional

If you deposit your application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in your prison/institutional/jail mailing system and attach first-class postage pre-paid, and complete and sign this statement, you will establish the filing date as the date of deposit in that mailing system.

I, the undersigned, hereby declare under penalty of perjury that I placed this application for a writ of habeas corpus under 28 U.S.C. § 2241 in the prison/institutional/jail mailing system with prepaid, first-class postage on \_\_\_\_\_.  
(month, day, year)

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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\_\_\_\_\_  
Plaintiff or Petitioner (full name)

v.

Case No. \_\_\_\_\_  
(to be supplied by Clerk)

\_\_\_\_\_  
Defendant(s) or Respondent(s) (full name)

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**PRISONER'S PETITION AND AFFIDAVIT TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

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**THIS FORM IS FOR PRISONERS ONLY.**

*The cost of filing nearly every civil action is \$400.00. This includes the \$350.00 statutory filing fee and a \$50.00 administrative fee. If you cannot afford this \$400.00 fee you may ask permission to proceed without the prepayment of fees and/or costs by completing this form, the attached authorization, and providing the court with a certified copy of your institutional trust account statement for the past six months. The court will review your trust account statement and calculate the amount you must pay for your case to proceed. After you pay this initial partial filing fee, the court will review your complaint to determine whether it is sufficient to proceed. Every month, the prison will automatically deduct 20% of your monthly income from your institutional trust account. The money will be forwarded to the court to be paid towards the remainder of the \$350.00 statutory filing fee. These automatic deductions will continue until the \$350.00 statutory filing fee is paid in full. Prisoners granted permission to proceed without the prepayment of fees and/or costs do not have to pay the \$50.00 administrative fee.*

*The filing fee for a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 or 2254 is \$5.00. If you are unable to pay this \$5.00 filing fee, complete this form, the attached authorization, and provide the court with a certified copy of your institutional trust account statement for the past six months. If the court finds that you are unable to pay the \$5.00 filing fee, the court will grant your petition to proceed without prepayment of fees and/or costs and you will not have to prepay the \$5.00 fee.*

*If you are filing a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255, there is no filing fee. However, you may want to complete and return this form and the attached authorization, and provide the court with a certified copy of your institutional trust account statement for the past six months if you believe you will be unable to pay other costs associated with your case such as the cost of obtaining transcripts.*



1. What type of case are you filing? \_\_\_\_\_  
(e.g. civil rights, petition for a writ of habeas corpus, etc.)

2. Are you currently married? Yes No

3. If you and/or your spouse have any of the following assets, provide details:

Type of Asset	Approximate Value
Bank account (checking, savings, money market etc.)	\$
Retirement account (IRA, 401(k), 403(b), pension, etc.)	\$
Investments (certificate of deposit, stocks, securities, bonds, mutual funds, exchange traded funds, etc.)	\$
Real estate (house, apartment building, condo, lots, etc.)	\$
Other valuable assets (motor vehicles, boats, jewelry, art work, collectibles, etc.)	\$

Are there any other circumstances that you would like the court to consider when reviewing your request to proceed without prepayment of costs and/or fees?

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I, \_\_\_\_\_, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I believe I am entitled to the relief sought in the present complaint, petition, or motion. I understand that a false statement may result in a dismissal of my claims. I answer the following questions fully, truthfully, and under penalty of perjury. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Institutional Identification Number: \_\_\_\_\_

Signature: \_\_\_\_\_

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

***This form does not need to be notarized.***

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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\_\_\_\_\_  
Plaintiff or Petitioner (full name)

v.

Case No. \_\_\_\_\_  
(to be supplied by Clerk)

\_\_\_\_\_  
Defendant(s) or Respondent(s) (full name)

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**AUTHORIZATION FOR RELEASE OF INSTITUTIONAL ACCOUNT INFORMATION  
AND PAYMENT OF THE FILING FEE**

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I, \_\_\_\_\_, \_\_\_\_\_,  
(your name) (institutional identification number)

hereby authorize the court to obtain from the agency having custody of me, information about my institutional trust account, including balances, deposits, and withdrawals over the prior six months.

I further authorize the agency or facility having custody of me to continue to disclose information about my institutional trust account, including balances, deposits, and withdrawals to the court until the filing fee in this matter is paid in full.

I further authorize the agency or facility having custody of me to withdraw funds from my institutional trust account in accordance with 28 U.S.C. § 1915 and to forward these funds to the court for payment of any filing fee.

Signature: \_\_\_\_\_

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

***This form does not need to be notarized.***