



**Defending Liberty
Pursuing Justice**

**A LEGAL GUIDE FOR
ICE DETAINEES:**

***PETITIONING FOR RELEASE
FROM INDEFINITE
DETENTION***

American Bar Association
Commission on Immigration
740 15th Street, NW, 9th Floor
Washington, DC 20005-1022
Telephone: (202) 662-1005
Website: www.abanet.org/publicserv/immigration



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Prepared by:

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PREFACE

Welcome to *A Legal Guide for ICE Detainees: Petitioning for Release from Indefinite Detention*. The American Bar Association Commission on Immigration created this manual. The manual is for individual detainees interested in understanding the administrative process of obtaining review of continued custody and the procedure for seeking release in federal court.

This manual is intended for educational and informational purposes only. Nothing contained in this book is to be considered as the rendering of legal advice for specific cases; readers are responsible for obtaining such advice from their own attorneys. This booklet was not prepared by the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), or by any other part of the United States government. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association, and accordingly, should not be considered as representing the official policy of the American Bar Association.

This manual details how to seek release from indefinite detention. It explains how to petition for administrative review of your custody, how to seek release in federal court if you are not released after your custody review, how to file motions for appointment of counsel and how to have any filing fees waived if you do not have the means to pay for them (that is, proceeding *in forma pauperis*). It also addresses the cases of Mariel Cubans and inadmissible aliens. In the appendices of this handbook you will find sample forms, addresses of the U.S. District Courts, and a list of resources where you might seek additional assistance. Before filing any petition for release with a court, you should speak with an immigration attorney or seek the assistance of one of the organizations listed in the appendix to help you in the process.

At any time during this process, you should feel free to send your questions or concerns to: American Bar Association, Commission on Immigration, 740 15th Street, N.W., 9th Floor, Washington, D.C. 20005-1022; telephone: 202-662-1005. Please indicate in your letter whether the ABA may forward your letter to a legal assistance provider, or to the government offices that are responsible for reviewing complaints about detention conditions: the Office of the Inspector General or the DHS Office for Civil Rights and Civil Liberties. **PLEASE DO NOT SEND ORIGINAL DOCUMENTS. NO COLLECT CALLS PLEASE.**

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INTRODUCTION: A BRIEF SUMMARY OF SUPREME COURT PRECEDENT

In June 2001, the U.S. Supreme Court issued Zadvydas v. Davis,¹ a decision with tremendous significance for aliens in ICE detention who are under final orders of removal. The decision resolved the case of two aliens, Kestutis Zadvydas and Kim Ho Ma, and required ICE to change the way it handles aliens in detention after a final removal order has been entered. As a result, ICE cannot detain an alien under a final order of removal for longer than six months if there is no significant likelihood the alien will be removed in the reasonably foreseeable future.

Kestutis Zadvydas

Mr. Zadvydas was born in 1948 to Lithuanian parents in a displaced persons camp in Germany. In 1956, he immigrated with his family to the United States and became a legal permanent resident (*i.e.*, green card holder), but never became a U.S. citizen. He has lived in the United States ever since.

Mr. Zadvydas had a long criminal record, involving drug crimes, attempted robbery, attempted burglary, and theft. He also had a history of failing to appear at both criminal and deportation proceedings. In 1992, Mr. Zadvydas was convicted in Virginia for cocaine possession with intent to distribute and sentenced to 16 years in prison. After two years, he was paroled, then taken into the custody of ICE (which at the time was called the Immigration and Naturalization Service or INS), and in 1994, ordered deported to Germany. Later that year, Germany told INS that it would not accept Mr. Zadvydas because he was not a German citizen. Lithuania also refused to accept him because he was neither a Lithuanian citizen nor a permanent resident of Lithuania.

In September 1995, Mr. Zadvydas filed a petition for a writ of habeas corpus challenging his continued detention.² In October 1997, the District Court for the Eastern District of Louisiana granted his petition and authorized his supervised release. However, the Fifth Circuit Court of Appeals reversed the lower court's decision in 1999 because it believed that there was still a possibility that Mr. Zadvydas could be removed. As a result of the Fifth Circuit's ruling, Mr. Zadvydas faced continued detention by INS for an indefinite period of time.

¹ 533 U.S. 678 (2001).

² A writ of habeas corpus is an independent judicial proceeding instituted to determine whether the defendant is being unlawfully deprived of his or her liberty. It is not a review of the validity of a final removal order.

Kim Ho Ma

Mr. Ma was born in Cambodia in 1977. When he was two years old, he and his family fled Cambodia to refugee camps in Thailand, and then the Philippines. Eventually, Mr. Ma came to the United States with his family, where he has lived as a legal permanent resident since he was seven.

In 1995, at the age of 17, Mr. Ma was involved in a gang-related shooting, convicted of manslaughter, and sentenced to 38 months in prison. After serving two years, Mr. Ma was released from prison, taken into INS custody, and ordered deported by an immigration judge. The INS, however, was unable to deport him because Cambodia did not have a repatriation agreement³ with the United States.

In 1999, Mr. Ma filed a petition for a writ of habeas corpus challenging his continued detention. The District Court for the Western District of Washington granted his petition and authorized his supervised release. The Ninth Circuit Court of Appeals agreed with this decision and also granted supervised release for Mr. Ma.

The Supreme Court Decision

The Supreme Court decided to review Mr. Zadvydas' and Mr. Ma's cases together to resolve the opposite outcomes. It ruled that the indefinite detention of removable aliens, such as Mr. Zadvydas and Mr. Ma, is not allowed when the alien is unlikely to be removed in the reasonably foreseeable future. For certain aliens who have entered the United States, the Court recognized that the INS (now ICE) generally cannot detain an alien for longer than six months after the issuance of a final removal order.

The Court ruled that, **after six months of post-removal order detention, if the alien can provide good reason to believe that he or she is unlikely to be removed in the reasonably foreseeable future, and the INS cannot provide evidence showing otherwise, the alien must be released.** The Supreme Court did not define a time frame for what would be the "reasonably foreseeable future," but it did state that the longer an alien has been detained, the shorter the "reasonably foreseeable future" becomes.

³ A repatriation agreement is an agreement made between two countries to govern the return of a person to his or her country of origin.

In light of the Supreme Court's ruling, both Mr. Zadvydas and Mr. Ma were released under supervision.

The Zadvydas decision applied only to aliens who had been admitted to the United States. This left the status of inadmissible aliens, such as Mariel Cubans, unclear. In January 2005 the Supreme Court decided Clark v. Martinez,⁴ holding that the standard announced in Zadvydas also applied to inadmissible aliens. Aliens under final orders of removal, even if they have never been formally admitted to the United States, must be released after six months of detention if they can prove that there is not a significant likelihood that they will be removed in the reasonably foreseeable future.

Sergio Suarez Martinez

Mr. Martinez arrived in the United States from Cuba as part of the Mariel Boatlift and was paroled. In 1991 Mr. Martinez sought to adjust his status to that of lawful permanent resident as permitted under the Cuban Refugee Adjustment Act but was ineligible because he had previously been convicted of assault with a deadly weapon and burglary in the United States. Mr. Martinez was convicted of additional crimes after his adjustment application was denied.

In December 2000 Mr. Martinez's parole was revoked by the Attorney General. He was taken into custody by the INS and, in removal proceedings, was found inadmissible because of his prior convictions and lack of sufficient documentation. Mr. Martinez was ordered removed and did not appeal. He was kept in custody beyond the expiration of the 90-day removal period. Mr. Martinez filed a petition for a writ of habeas corpus challenging his continued detention.

Daniel Benitez

Mr. Benitez also arrived in the United States as part of the Mariel Boatlift. Likewise, Mr. Benitez was unable to adjust to lawful permanent resident status because he had become inadmissible as a result of criminal convictions prior to applying. After his adjustment application was denied in 1985, Mr. Benitez was convicted of additional felonies.

Mr. Benitez's parole was revoked in 1993 and removal proceedings were initiated against him while he was in prison. The Immigration Judge found Mr. Benitez to be inadmissible and ordered him removed. At the expiration of his prison term, Mr. Benitez was taken into INS custody where he remained beyond the

⁴ 543 U.S. 371 (2005).

90-day removal period. Mr. Benitez filed a petition for a writ of habeas corpus challenging his continued detention. While his case was pending before the Supreme Court, Mr. Benitez was released from custody on one year parole after completing a drug treatment program.

The Supreme Court Decision

The Supreme Court held the Zadvydas standard—after six months of post-removal order detention, if the alien can provide good reason to believe that he or she is unlikely to be removed in the reasonably foreseeable future, and ICE cannot provide evidence showing otherwise, the alien must be released—applies to all aliens, including those who are inadmissible. Based on this standard, the Supreme Court granted the habeas corpus petitions of both Mr. Martinez and Mr. Benitez.

**CRITERIA TO DETERMINE WHETHER YOU ARE
AFFECTED BY THE ZADVYDAS OR MARTINEZ DECISIONS**

1. **You must be under a final order of removal.**
 - After an immigration judge has ordered you removed, the judge's order becomes final when:
 - you waive your right to appeal; or
 - the 30 day time period to make an appeal expires; or
 - the appeal is dismissed by the Board of Immigration Appeals; or
 - the Board of Immigration Appeals makes a decision to uphold the removal order.

2. **You have petitioned for administrative review of your indefinite detention.**
 - After the 90-day removal period expires ICE must begin custody review procedures. You should send a letter requesting release from your detention along with copies of any documents that will help ICE make its decision. *Step One* of this manual has more information.
 - Once six months have elapsed since your removal order became final, you **must** send a letter to the ICE Headquarters Post-Order Detention Unit (HQPDU) to have your custody reviewed under the Zadvydas standard. *Step Two* of this manual has more information.
 - Special rules apply for Mariel Cubans. See the section *Special Cases: Mariel Cubans* for more information.

3. **There is no significant likelihood that you will be removed from the United States in the reasonably foreseeable future.**
 - Chances of being able to show this are greater if you are:
 - stateless (*i.e.* have no citizenship);
 - from a country which has no repatriation agreement with the United States, such as Cuba, Vietnam, or Laos; or
 - you have been detained by ICE for longer than six months after your removal order becomes final, and you have reason to believe your removal will not take place in the near future.

If you fulfill all of these criteria, you are probably eligible for release from ICE detention under Zadvydas or Martinez. The rest of this manual will help you seek release from ICE detention through an administrative procedure and through a court procedure.

Examples of Aliens Who Are Eligible for Release under Zadvydas or Martinez:

Question: Mr. Li has been in ICE detention for 10 months since receiving a final removal order. He is a citizen of China. ICE submitted a request to China for his travel documents. China responded to ICE with a statement that it will not issue travel documents for Mr. Li because of his criminal conviction. Is he eligible for release under Zadvydas?

Answer: Yes, Mr. Li is eligible for release under Zadvydas because he has been in detention for longer than six months after receiving a final removal order, and China has refused to issue travel documents. There is no significant likelihood that Mr. Li can be removed to China in the near future.

Question: Mr. Ibarra was paroled into the United States in 1980 as part of the Mariel Boatlift. He committed several crimes in the 1980s and as a result ICE revoked his parole. He has been in ICE detention for eight years since receiving a final removal order. Is Mr. Ibarra eligible for release under Zadvydas and Martinez?

Answer: Yes, Mr. Ibarra is eligible for release under Martinez, which extended the ruling of Zadvydas to Mariel Cubans and other “inadmissible” aliens such as those apprehended at the airport or at sea. Mr. Ibarra has been in detention for longer than six months after receiving a final removal order, and no repatriation agreement exists between the United States and Cuba so there is no significant likelihood that Mr. Ibarra can be removed to Cuba in the near future.

Question: Mr. Ndjani entered the United States seeking asylum from Cameroon. He was apprehended by ICE at the airport. ICE classified him as an arriving, or “inadmissible” alien. Eleven months ago, Mr. Ndjani was denied asylum and ordered removed. Is Mr. Ndjani eligible for release?

Answer: Yes, Mr. Ndjani is eligible for release if he is detained for longer than six months after receiving a final removal order, and there is no significant likelihood that he can be removed to Cameroon in the near future. Because of the Martinez decision, Mr. Ndjani’s status as inadmissible is irrelevant.

Example of An Alien Who Is NOT Eligible for Release under Zadvydas:

Question: In January 2005, ICE issued a final order of removal for Ms. Rios, a citizen of Mexico who entered the United States without inspection. She waived her right to appeal so the removal order is now final. It is now March 1, 2005. Is Ms. Rios eligible for release under Zadvydas?

Answer: No, Ms. Rios is not eligible for release under Zadvydas because she has only been in detention for two months since receiving a final removal order. ICE has six months to try to remove her.

**TIME-LINE OF ADMINISTRATIVE AND FEDERAL COURT
PROCEEDINGS FOR SEEKING RELEASE FROM
ICE INDEFINITE DETENTION**

Below is a time-line for seeking administrative review of your detention and for filing a habeas petition in federal court. The sections that follow this time-line will walk you through each of these steps. Special rules apply for Mariel Cubans; see the section *Special Cases: Mariel Cubans* for more information.

Step One

Ninety days after your order of removal becomes final, you may submit a letter to ICE requesting release from detention. See Form 1.



Step Two

Six months after your order of removal becomes final, you must submit a letter to ICE Headquarters Post-Order Detention Unit (HQPDU) requesting release from detention.
See Form 2.



Steps Three, Four, and Five

If HQPDU decides not to release you or fails to make a prompt decision, and you have good reason to believe that you cannot be removed in the reasonably foreseeable future, you may file a petition for a writ of habeas corpus in federal court. See Form 3.

At the same time, if you do not have a lawyer, you may file a motion for appointment of counsel.
See Form 4.

If you do not have enough money to pay the filing fee for the habeas petition, you may also file a motion to proceed *in forma pauperis*.
See Form 5.

STEP ONE:
PETITIONING FOR ADMINISTRATIVE REVIEW OF
INDEFINITE DETENTION FROM ICE FIELD OFFICE
NINETY DAYS AFTER THE FINAL ORDER OF REMOVAL

On June 28, 2001, the Supreme Court ruled in the Zadvydas case that it is illegal for ICE to detain certain aliens who have received a final order of removal but cannot be deported in the “reasonably foreseeable future.” If you believe that the Zadvydas ruling applies to you based on the criteria listed in the previous section, you should follow the steps listed below to petition for administrative review of indefinite detention before attempting to submit a writ of habeas corpus to the court. If you have already been in ICE detention for six months or longer since your removal order became final, skip to **Step Two**.

Initial Custody Review

The removal period expires ninety days after your order of removal becomes final. Once the removal period has expired, ICE must begin custody review procedures.⁵ Your initial custody review will be conducted by your local ICE Field Office Director.⁶ You do not need to do anything for ICE to initiate and conduct this first custody review; however, once you receive written notice from ICE with information about your custody review, we recommend that you follow the steps listed below to explain why you should be released. If you do not receive any initial notice from ICE, however, then you should send a letter to ICE asking when your first custody review will be. At this stage, ICE should make its decision to detain or release you based on whether they consider you a **danger to the community** or a **significant flight risk**.⁷

You should receive a **written notice** approximately 30 days in advance of your first custody review.⁸ This notice will be sent by the Field Office

⁵ 8 C.F.R. § 241.4(k). See also Memo, Hutchinson, Undersecretary DHS (Mar. 30, 2004), “Guidance on ICE Implementation of Policy and Practice Changes Recommended by the Department of Justice Inspector General,” reprinted in 81 No. 16 Interpreter Releases 513, 528-532 (Apr. 19, 2004).

⁶ When the INS was reorganized as part of the Department of Homeland Security (DHS) in 2002, the positions of district director and Director of the Detention and Removal Field Office were combined and renamed U.S. ICE Field Office Director.

⁷ 8 C.F.R. § 241.4(d)(1).

⁸ 8 C.F.R. § 241.4(h)(2).

Director of the local ICE field office and will tell you the date of your review and the address where you can send any information that you would like ICE to consider.

Steps for you to follow before your first custody review:

1. **Send a letter**, requesting your release from detention, to the address given in the written notice that you received from ICE.⁹
 - The letter must be typed or handwritten neatly.
 - The letter must be in English.
 - Be sure to include your full name and Alien Number (“A-Number”) on all letters sent.
 - You must explain, in as much detail as possible, that you should be released from detention because you are **not and will not be a danger to public safety**, you are **not a significant flight risk**, and because ICE has been **unable to obtain travel documents** for your deportation, provided that these circumstances are correct for your situation.¹⁰ ICE will consider the following information in determining whether you should be released:¹¹
 - a. Whether you have cooperated with ICE efforts to deport you. **You must make reasonable efforts to assist ICE in securing travel documents for your removal. ICE will not release you if you are not cooperating with their efforts to deport you.**¹²
 - b. Whether you have had any disciplinary infractions while in detention.
 - c. Your past criminal history.
 - d. Any available information relating to your mental health (*i.e.*, psychiatric/psychological reports).
 - e. Whether you have participated in any job training, educational, or rehabilitation programs.
 - f. Whether you have close relatives residing legally in the United States.

⁹ 8 C.F.R. § 241.4(h)(1).

¹⁰ 8 C.F.R. § 241.4(e).

¹¹ 8 C.F.R. § 241.4(f).

¹² 8 C.F.R. § 241.4(g)(ii).

- g. Whether you have prior immigration violations, including a failure to appear at any immigration proceeding or any attempts to avoid removal.
- h. Whether you will have a job if released.
- Address as many of these factors as you can in your letter to ICE. Highlight the factors that would encourage ICE to release you (*i.e.*, if you have a relative legally residing in the United States that you will live with), and explain why any negative factors occurred and why they will not happen again (*i.e.*, you have successfully completed a drug rehabilitation program while in detention). **Do not lie or make misrepresentations in any of the information that you send to ICE.**

❖ See **Form 1** for a sample letter that you can fill out and send to ICE.

2. **Send copies of any documents** that you have that will show ICE you have cooperated with their removal efforts, that you are not a danger to the public, that you are not a flight risk, and that you deserve to be released. For example, copies of the following documents will be helpful to send:

- Certificates from education or job training classes you have completed while in detention.
 - Certificates/letters stating that you have completed a behavior management program while in detention (*i.e.*, drug treatment, anger management).
 - Reference letters from detention officers or prison chaplains who can attest to your good behavior while in detention.
 - Reference letters from former employers, responsible family members, or religious leaders who know you personally.
 - A letter from the person you will be living with if you are released (*i.e.*, a relative/sponsor).
 - A letter from your employer, written on business letterhead, stating that you will have a job or interview if you are released.
 - Any letters or other correspondence you have had with your embassy or consulate including passport applications and evidence of application for travel documents.
- ✓ If you believe it is unlikely that you can be deported in the reasonably foreseeable future (*i.e.*, you have received a letter from your consulate stating that they will not accept you for deportation), you should explain this to ICE in your letter and submit any supporting documentation that you have. If ICE does not consider this information at this stage, however, they will forward it to the

Headquarters Post-Order Detention Unit (HQPDU) for any subsequent custody reviews. ¹³

- ❖ **You should save copies (especially your letter to ICE requesting release) of all the information that you send to ICE because it will be very useful to you in any subsequent custody reviews.**

After your initial custody review, you should receive a written copy from ICE of their decision whether to release or detain you. ¹⁴ If ICE decides not to release you, the decision they send you should set forth the reasons for your continued detention. ¹⁵

If your request for release has been denied, you should proceed to **Step Two** of the manual.

All subsequent custody review requests will be decided by ICE Headquarters (HQPDU). ¹⁶ Note that ICE Headquarters should automatically conduct this type of review on a yearly basis, ¹⁷ and you should continue to follow the steps above for each of these automatic custody reviews.

¹³ See 8 C.F.R. §§ 241.4(i)(7); 241.13(b)(2)(ii).

¹⁴ 8 C.F.R. § 241.4(d).

¹⁵ 8 C.F.R. § 241.4(d).

¹⁶ 8 C.F.R. § 241.4(c)(2).

¹⁷ 8 C.F.R. § 241.4(k)(2)(iii).

STEP TWO:
PETITIONING FOR ADMINISTRATIVE REVIEW
FROM ICE HEADQUARTERS SIX MONTHS AFTER
THE FINAL REMOVAL ORDER

Once six months have elapsed since your removal order became final,¹⁸ you must follow the steps listed below in order to initiate ICE Headquarters (HQPDU) custody review under the Zadvydas standard.¹⁹ Under the Zadvydas standard, HQPDU will make its decision to detain or release you based on whether there is a **significant likelihood that you can be deported in the reasonably foreseeable future.**

Steps for you to follow:

1. **Send a letter to HQPDU** (Headquarters Post-Order Detention Unit) requesting your release from detention.²⁰
 - The letter must be typed or handwritten neatly.
 - The letter must be in English.
 - Be sure to include your full name and Alien Number (“A-Number”) on all letters sent.
 - You must explain, in as much detail as possible:
 - a. Why you think there is no significant likelihood that you will be deported in the reasonably foreseeable future²¹ (*i.e.*, you have received a letter from your consulate stating that they will not accept you; there is no repatriation agreement between your home country and the United States; many months have passed and your consulate has not issued travel documents for you); and
 - b. What you have done to help ICE deport you²² (*i.e.*, signing your travel document application; telling your Deportation Officer when and where you were born). **You must make reasonable efforts to assist ICE in securing travel documents for your removal.**

¹⁸ See 8 C.F.R. § 241.13(b)(2)(ii).

¹⁹ 8 C.F.R. §§ 241.13(c), (d)(1).

²⁰ 8 C.F.R. § 241.13(d)(1).

²¹ 8 C.F.R. § 241.13(d)(1).

²² 8 C.F.R. § 241.13(d)(2).

ICE will not release you if you are not cooperating with their efforts to deport you. ²³

- ❖ See **Form 2** for a sample letter you can fill out to send to the HQPDU.

2. **Send copies of any documents** that you have with the above letter to HQPDU that will show ICE you have cooperated with their removal efforts, that your removal is not reasonably foreseeable, that you are not a danger to the public nor a flight risk, ²⁴ and that you deserve to be released, provided that these circumstances are correct for your situation. ²⁵ For example, copies of the following documents will be helpful to send: ²⁶

- Identification documents such as a birth certificate or passport.
- Any correspondence you have had with your consulate or embassy including passport applications, letters, or signed travel documents that you have sent or received.
- A letter from your consulate stating that your home country will not accept you for deportation, or they do not recognize you as a citizen.
- A letter from the person you will live with if released (*i.e.*, a relative or sponsor).
- A letter from an employer, written on business letterhead, stating that you will have a job, or a job interview, if you are released.
- Certificates from education or job training classes you have completed while in detention.
- Certificates/letters stating that you have completed a behavior management program while in detention (*i.e.*, drug treatment, anger management).
- Reference letters from former employers, responsible family members, church leaders, prison chaplains, or detention officers who know you.

²³ 8 C.F.R. § 241.13(e)(2).

²⁴ 8 C.F.R. § 241.4(d)(1).

²⁵ 8 C.F.R. § 241.13(d)(1).

²⁶ Allison Wannamaker, Esq., *Release from INS Custody After a Removal Order: Post-Order Custody Reviews and Habeas Corpus* (Catholic Legal Immigration Network, Inc. 2002).

3. **Make two copies of all the above information** that you are sending to HQPDU, **send one copy to your Deportation Officer** for your local ICE file and **keep one copy for yourself.**

You will receive a letter from HQPDU acknowledging receipt of your information and explaining the procedures they will use to evaluate your request within ten business days after they have received your information.²⁷ If ICE first determines that you have failed to make reasonable efforts to comply with the removal order or that you have obstructed the removal process, ICE will advise you of this fact in writing and will inform you of the additional steps that you must take before it reconsiders your request for release.²⁸ ICE may gather more information about your case from the State Department,²⁹ and they may want to interview you in person or on the telephone.³⁰ You have a right to have access to all information ICE intends to rely on in making its decision, and you have a right to respond to this information with your own information or evidence.³¹

Once ICE has considered all information relevant to your case, HQPDU will mail you a copy of its written decision.³² If ICE determines that there is no significant likelihood of your removal in the reasonably foreseeable future, you will be released under supervised conditions.³³ If your request for release is denied, you may submit another request after six months,³⁴ or you may file a habeas corpus petition to a federal district court. You may also file a habeas corpus petition if HQPDU does not issue a written decision promptly and you have good reason to believe you cannot be removed in the reasonably foreseeable future.³⁵

²⁷ 8 C.F.R. § 241.13(e)(1).

²⁸ 8 C.F.R. § 241.13(e)(2).

²⁹ 8 C.F.R. § 241.13(e)(3).

³⁰ 8 C.F.R. § 241.13(e)(5).

³¹ 8 C.F.R. § 241.13(e)(4).

³² 8 C.F.R. § 241.13(g).

³³ 8 C.F.R. § 241.13(h).

³⁴ 8 C.F.R. § 241.13(j).

³⁵ There is no administrative appeal from a HQPDU decision under this section. 8 C.F.R. § 241.13(g)(2).

STEP THREE: PETITIONING FOR A WRIT OF HABEAS CORPUS

A. GENERAL OVERVIEW

If your request for release from ICE Headquarters (HQPDU) has been denied, or you have not received a prompt decision from HQPDU after submitting a request for release, you may want to challenge your continued detention by filing a writ of habeas corpus. Filing a writ of habeas corpus means that you will **ask a federal district court to release you from indefinite detention until you can be deported by ICE**. You are not challenging your removal order.

It is best to file a writ of habeas corpus with the help of a lawyer. If you do not have a lawyer you should file a Motion for Appointment of Counsel together with your habeas petition (see Step Four). Many ICE detainees, however, successfully file their habeas petitions without a lawyer or “pro se.” You will file your petition in the federal district court that covers the area where you are now detained. The information that follows will explain the filing requirements as of the date of printing of this manual. However, you should check the local rules of the court where you will file your petition for the filing requirements, since court rules and filing requirements may change. The local rules should be in your detention center’s law library. If they are not, ask the clerk’s office in the federal district court where you will be filing your petition for the court’s local rules (see Appendix B for court contact information).

B. STEPS FOR YOU TO FOLLOW:

1. Write your Petition for Writ of Habeas Corpus.

- Your petition must be typed or handwritten neatly in blue or black ink.
- Your petition must be in English.
- Write your full name and Alien Number (“A-Number”) on all documents sent to the court.
- Be sure to sign and date your petition before you send it.
- Make sure that it is clear in your petition that you are **challenging your continued detention by ICE, not your deportation order**.
- Concentrate on making the **facts of your case clear and accurate**. The judge is most interested in the specific facts of your case that are relevant to why you are challenging continued detention. You do not need to include many legal arguments or citations.

- **Do not lie or make misrepresentations in any of the information that you submit to the court.** By signing your petition, you are swearing that what you have submitted is the truth.
- ❖ **See Form 3** for a model petition that you can use to write your petition for writ of habeas corpus. You are the “Petitioner,” because you are filing the petition for habeas corpus.

The most important part of your habeas petition is the section where you provide a reason why you are not likely to be removed to your home country in the reasonably foreseeable future. You will present this reason in paragraph 13 of **Form 3**. Here are some examples of what you might write in paragraph 13. Remember, choose only the example or examples that apply to you.

- Example 1: Petitioner is from Vietnam and no repatriation agreement exists between the United States and Vietnam. See Ma v. Ashcroft, 357 F.3d 1095, 1100 (9th Cir. 2001) (noting that Vietnamese citizens cannot be removed because United States does not have a repatriation agreement); Ngo v. INS, 192 F.3d 390, 395 (3d Cir. 1999) (recognizing that Vietnam has refused to accept repatriation of citizens ordered removed from United States). Because there is no repatriation agreement between the United States and Vietnam, Petitioner cannot be removed. Thus, Petitioner’s removal from the United States is not significantly likely to occur in the reasonably foreseeable future.
- Example 2: Petitioner has been detained for more than six months after receiving a final removal order, and ICE has been unable to carry out his removal. Petitioner’s Consulate has not issued travel documents and there is no certainty as to when, if ever, such travel documents will be issued. Thus, Petitioner’s removal from the United States is not significantly likely to occur in the reasonably foreseeable future. See Habtegabber v. Jenifer, 256 F. Supp.2d 692, 697-98 (E.D. Mich. 2003) (Ethiopian national ordered released after 7 months’ detention where neither Ethiopia nor Eritrea responded to INS’s request for travel documents); Okwilagwe v. Immigration & Naturalization Service, No. 3-01-CV-1416-BD, 2002 WL 356758, *3 (N.D. Tex. Mar. 1, 2002) (alien from Nigeria in custody for 11 months ordered released under Zadvydass because INS did not have travel documents in hand and there was no certainty as to when such documents might be issued); see also Lewis v. Immigration & Naturalization Service, No. 00CV0758(SJ), 2002 WL 1150158, *4-5

(E.D.N.Y. May 7, 2002) (alien from Barbados provided “good reason” to believe removal not likely to occur in the reasonable foreseeable future where consulate had not responded to INS requests for travel documents and alien had been detained longer than six months).

- **Example 3:** Petitioner has been in detention longer than six months, and the Chinese Consulate has notified ICE that it will not accept Petitioner’s removal to China. Because the Consulate has specifically refused to accept Petitioner’s removal to China, Petitioner is not significantly likely to be removed in the reasonably foreseeable future, or at all for that matter. See *Shefqet v. Ashcroft*, No. 02 C 7737, 2003 WL 1964290, *4 (N.D. Ill. Apr. 28, 2003) (ordering release of Yugoslavian alien under *Zadvydas* after 17-month detention where Yugoslavian Embassy notified INS that it would not issue him a travel document); *Zhou v. Ashcroft*, Civ. No. 3:CV-01-0863 (M.D. Pa. Apr. 15, 2002) (ordering release of Chinese alien under *Zadvydas* after 20-month detention and where Chinese Consulate had notified INS by letter that it would not accept Petitioner’s removal to China).

- **Be sure to check the chart that follows, and the local rules used by your federal district court, for the latest filing requirements.** The format of your petition may vary somewhat from the model petition.
- Some jurisdictions require that you use a special form for your habeas petition (see chart below). If you live in one of these jurisdictions, you must contact the Clerk of the Court to request the special habeas form (see Appendix B for contact information). We recommend that you file the special form together with the habeas petition in **Form 3**.

2. Make several copies of your petition.

- You will generally need the original plus one or more copies for the court, and one copy for yourself.

3. Get a check or money order, made out to “United States District Court,” to pay the **court-filing fee**.

- The court-filing fee is usually \$5.
- If you cannot afford this fee, you can submit an application to file *in forma pauperis*. Submitting an application *in forma pauperis* means that you

will pay the court-filing fee over time. You must include an affidavit listing your assets, and a current statement of your prisoner account. See Form 5.

4. **Mail your petition for writ of habeas corpus and the court-filing fee** to the appropriate federal district court.
 - You will need to send the **original** petition, plus one or more copies of the petition and the court-filing fee to the appropriate federal district court.
 - You will mail this information to the federal district court that covers the area where you are now detained.
 - Be sure to address your envelope to the Clerk of the Court.
 - Be sure to sign both your petition and your check or money order before mailing.
 - Send your petition by certified mail, if possible, so you will have proof that the Clerk of the Court received your petition.

Once the court receives your petition for a writ of habeas corpus and assigns your case to a judge, the judge will send your petition to the government to provide it with a chance to respond. If you disagree with what the government says in its response, you may file a “Reply” with the court.

It may take the judge several months to issue a decision. If the judge agrees that you should be released, he or she will issue a written order telling ICE to release you. If you are released by ICE before the judge makes a decision, you should write to the court and ask to voluntarily withdraw your petition.

C. FILING INSTRUCTIONS

General Filing Requirements

The requirements listed below apply to most district courts. In the chart on page 20, however, we have provided a comprehensive list of the specific rules that apply in each court. Check to make sure you have followed the rules that apply in your district.

- Where to File
 - You should file your habeas petition in the district court with jurisdiction over the location where you are currently being detained. Of the districts with more than one office location, the majority requires that you file in the office that has jurisdiction over the county where you are being detained. In **Appendix B**, you will find a list of all of the district courts and their addresses, current as of the date of this publication.

- Cost
 - The cost for filing a habeas corpus petition is usually \$5.00.
 - If you cannot afford to pay the filing fee, you can apply to proceed *in forma pauperis*. See Form 5.

- Forms
 - Some courts require you to fill out special forms for habeas petitions. The next section lists the districts that we know to have these special forms. If the district in which you are filing has a special form, request the form by writing to the clerk of that court. See Appendix B for the addresses of the courts. If they don't have any special forms, you should fill out the model habeas petition. See Form 3.

- Filling Out Forms
 - For all documents that you send to the court, **write clearly or type**. Make sure that the papers do not have any eraser marks or cross-outs.
 - You may want to make a few copies of the forms before you fill them out, in case you make a mistake on one of them.
 - Remember to **sign** the forms you send to the court.

- Copies
 - Most courts require you to send them the **original plus two copies** of all documents you file. You should also make an extra copy to keep for yourself.
 - If you want the court to return a stamped copy to you confirming that they have received your documents, send one copy in addition to the two or more copies that the court requires, with a request to return one stamped copy to you.

Habeas Corpus Petitions: Filing Requirements

These filing requirements may change. You should check the local rules of the court where you will be filing, either at the library or by calling the court Clerk's office.

District	# Copies	Filing Fee	Special Form	Which Office to File In
Alabama				
<i>Northern District</i>	Original	\$5.00	Request form from clerk's office	
<i>Middle District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	
<i>Southern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	
Alaska	Original + 2	\$5.00	Self-drafted petition acceptable	
Arizona	Original, +2	\$5.00	Request form from clerk's office	
Arkansas				
<i>Eastern District</i>	Original, +2	\$5.00	Request form from clerk's office	
<i>Western District</i>	Original, +2	\$5.00	Request form from clerk's office	
California				
<i>Northern District</i>	Original, +1	\$5.00	Request form from clerk's office	
<i>Eastern District</i>	Original, +2	\$5.00	Request form from clerk's office	
<i>Central District</i>	Original, +3	\$5.00	Request form from clerk's office	Any office
<i>Southern District</i>	Original, +2	\$5.00	Request form from clerk's office	
Colorado	Original, +2	\$5.00	Request form from clerk's office	
Connecticut	Original, +2	\$5.00	Self-drafted petition acceptable-form preferred	Any office
Delaware	Original, +1	\$5.00	Self-drafted petition acceptable	
District of Columbia	Original, +1	\$5.00	Self-drafted petition acceptable	

District	# Copies	Filing Fee	Special Form	Which Office to File In
Florida				
<i>Northern District</i>	Original, +2	\$5.00	Request form from clerk's office	Any office
<i>Middle District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	
<i>Southern District</i>	Original, +1	\$5.00	Request form from clerk's office	Submit to office for division where incarcerated
Georgia				
<i>Northern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable (forms available)	Send to attention of Allen Newman
<i>Middle District</i>	Original, +2	\$5.00	Self-drafted petition acceptable (forms available)	
<i>Southern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable	Any office
Guam	Original, +2	\$5.00	Self-drafted petition acceptable	
Hawaii	Original + 2	\$5.00	Self-drafted petition acceptable	
Idaho	Original + 2	\$5.00	Self-drafted petition acceptable	
Illinois				
<i>Northern District</i>	Original, +2	\$5.00	Request form from clerk's office	Chicago Office
<i>Central District</i>	Original, +3	\$5.00		
<i>Southern District</i>	Original + 2	\$5.00	Self-drafted petition acceptable	Any office; preferable to file in East St. Louis
Indiana				
<i>Northern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable	Any office
<i>Southern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable (form preferred)	Submit to office for division where incarcerated

District	# Copies	Filing Fee	Special Form	Which Office to File In
Iowa				
<i>Northern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable	Any office
<i>Southern District</i>	Original	\$5.00	Self-drafted petition acceptable	Des Moines Office
Kansas	Original, +2	\$5.00	Request form from clerk's office from Topeka Office	
Kentucky				
<i>Eastern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable (form preferred)	Any office
<i>Western District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	Any office
Louisiana				
<i>Eastern District</i>	Original, +4	\$5.00	Request form from clerk's office	
<i>Middle District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	
<i>Western District</i>	Original, +2	\$5.00	Request form from clerk's office	Shreveport Office
Maine	Original, +2	\$5.00	Self-drafted petition acceptable	Any office
Maryland	Original, +1	\$5.00	Request form from clerk's office	Baltimore Office
Massachusetts	Original, +2	\$5.00	Self-drafted petition acceptable; federal civil cover sheet and category sheet required	Boston Office
Michigan				
<i>Eastern District</i>	Original, +3	\$5.00	Self-drafted petition acceptable	Any office
<i>Western District</i>	Original, +1	\$5.00	Self-drafted petition acceptable	Any office
Minnesota	Original, +1	\$5.00	Self-drafted petition acceptable; federal civil cover sheet required (JS-44)	St. Paul Office

District	# Copies	Filing Fee	Special Form	Which Office to File In
Mississippi				
<i>Northern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	Submit to local office
<i>Southern District</i>	Original, +1	\$5.00	Self-drafted petition available	Jackson Office
Missouri				
<i>Eastern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable	St. Louis Office
<i>Western District</i>	Original, +3	\$5.00	Self-drafted petition acceptable (form available)	
Montana	Original, +2	\$5.00	Self-drafted petition acceptable (prefer form)	Any office
Nebraska	Original	\$5.00	Self-drafted petition acceptable	Any office
Nevada	Original, +4	\$5.00	Self-drafted petition acceptable (See Federal Rules of Criminal Procedure Rule 35 for specific instructions)	Any office
New Hampshire	Original, +2	\$5.00	Self-drafted petition acceptable	
New Jersey	Original, +4	\$5.00	Self-drafted petition acceptable (form available)	Submit to office for division where incarcerated
New Mexico	Original, +2	\$5.00	Self-drafted petition acceptable (form available)	Albuquerque Office
New York				
<i>Northern District</i>	Original, +2	\$5.00	Request form from clerk's office (available on the court's web site)	Syracuse Office
<i>Eastern District</i>	Original, +2	\$5.00	Request form from clerk's office	Any office
<i>Southern</i>	Original	No fee	Request form from	

District	# Copies	Filing Fee	Special Form	Which Office to File In
<i>District</i>			clerk's office-New York City office only	
<i>Western District</i>	Original, +2	\$5.00	Self-drafted petition acceptable-civil cover sheet required (form available on court's web site)	Any office
North Carolina				
<i>Eastern District</i>	Original, +2	\$5.00	Request form from clerk's office	Raleigh Office
<i>Middle District</i>	Original, +2	\$5.00	Self-drafted petition acceptable (form preferred)	Greensboro Office
<i>Western District</i>	Original	\$5.00	Self-drafted petition acceptable (form preferred)	Any office
North Dakota	Original, +2	\$5.00	Self-drafted petition acceptable (form preferred)	Any office
Northern Mariana Islands	Original, +5	\$5.00	Self-drafted petition acceptable	
Ohio				
<i>Northern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable; federal civil cover sheet required	Any office
<i>Southern District</i>	Original	\$5.00	Self-drafted petition acceptable; federal civil cover sheet required	Any office
Oklahoma				
<i>Northern District</i>	Original, +2	\$5.00	Request form from clerk's office (form available on court's web site)	Any office
<i>Eastern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable	
<i>Western District</i>	Original, +2	\$5.00	Request form from	

District	# Copies	Filing Fee	Special Form	Which Office to File In
			clerk's office	
Oregon	Original, +1	\$5.00	Self-drafted petition acceptable	Any office
Pennsylvania				
<i>Eastern District</i>	Original + 2	\$5.00	Self-drafted petition acceptable	
<i>Middle District</i>	Original, +3	\$5.00	Request form from clerk's office (form available on court's web site)	Scranton Office
<i>Western District</i>	Original, +4	\$5.00	Self-drafted petition acceptable; federal civil cover sheet required	Any office
Puerto Rico	Original, +2	\$5.00	Request form from clerk's office (form also available on court's web site)	
Rhode Island	Original, +1	\$5.00	Self-drafted petition acceptable	
South Carolina	Original	\$5.00	Request form from clerk's office	Any office
South Dakota	Original, +1	\$5.00	Self-drafted petition acceptable (form preferred)	Any office
Tennessee				
<i>Eastern District</i>	Original	\$5.00	Self-drafted petition acceptable	Submit to office for division where incarcerated
<i>Middle District</i>	Original + 2	\$5.00	Self-drafted petition acceptable	
<i>Western District</i>	Original, +2	\$5.00	Self-drafted petition acceptable, but forms are available	Any office
Texas				
<i>Northern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	Any office
<i>Eastern District</i>	Original	\$5.00	Request form from clerk's office	Any office

District	# Copies	Filing Fee	Special Form	Which Office to File In
<i>Southern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	Any office
<i>Western District</i>	Original, +1	\$5.00	Request form from clerk's office	Any office
Utah	Original, +1	\$5.00	Self-drafted petition acceptable	
Vermont	Original	\$5.00	Self-drafted petition acceptable	Any office
Virgin Islands	Original + 2	\$5.00	Self-drafted petition acceptable	
Virginia				
<i>Eastern District</i>	Original, +2	\$5.00	Self-drafted petition acceptable (form preferred)	Richmond Office
<i>Western District</i>	Original, +3	\$5.00	Request form from clerk's office	Roanoke Office
Washington				
<i>Eastern District</i>	Original, +3	\$5.00	Self-drafted petition acceptable	Spokane Office
<i>Western District</i>	Original, +2	\$5.00		
West Virginia				
<i>Northern District</i>	Original, +2 (plus 1 copy for each defendant)	\$5.00	Self-drafted petition acceptable (form preferred)	Any office
<i>Southern District</i>	Original	\$5.00	Request form from clerk's office	Any office
Wisconsin				
<i>Eastern District</i>	Original, +1	\$5.00	Self-drafted petition acceptable (form preferred)	Any office
<i>Western District</i>	Original, +2	\$5.00	Self-drafted petition acceptable	Any office
Wyoming	Original, +1	\$5.00	Self-drafted petition acceptable	Any office

D. POSSIBLE ICE ARGUMENTS IN OPPOSITION TO YOUR HABEAS PETITION, AND SAMPLE RESPONSES

After filing your habeas petition, the judge assigned to your case will forward the petition to the attorneys for ICE. ICE attorneys may then file a “Return” or an “Opposition” to your habeas petition. They may attempt to have your habeas petition dismissed by raising certain arguments. We have listed several arguments that ICE attorneys may raise, followed by sample responses. Please note that the responses may not apply to your particular situation. Make sure that your arguments are valid and accurate as applied to the specific facts of your case.

In response to ICE’s Return or Opposition, you may file what’s called a “Traverse” or a “Reply” (these terms are interchangeable). We will explain, after each possible ICE argument, how you might respond in your Traverse or Reply. Note that ICE may raise arguments different from those covered here. Unfortunately, this manual cannot address every argument that ICE may raise.

Argument 1: Petitioner Failed to Exhaust Administrative Remedies

If you file your habeas corpus petition before you get a decision from ICE Headquarters (HQPDU), ICE may argue that you must wait for their decision first. They will say you have “failed to exhaust your administrative remedies.” However, HQPDU may take a long time to send a decision on your request for release, and there is no limit on how long they can take. It is therefore logical and advisable to file the habeas petition, after waiting a reasonable amount of time for HQPDU to make a decision. “Administrative remedies” refers to the action that HQPDU can take to decide whether to release you from detention under Zadvydas, before you file a habeas petition with the court. HQPDU may argue that it has not had a chance to make its own decision in your case, and therefore your habeas petition should be dismissed until it does.

Sample Response:

Petitioner need not exhaust his administrative remedies. The statute in question, 8 U.S.C. § 1231(a)(6), has no exhaustion requirement. Exhaustion is required only when Congress specifically mandates it. McCarthy v. Madigan, 503 U.S. 140, 144 (1992). In all other instances, “sound judicial discretion governs.” Id.

This Court should not require Petitioner to exhaust his administrative remedies. First, the Supreme Court has recognized that courts should not require exhaustion when there is an unreasonable or indefinite time-frame for

administrative action. *Id.* at 147. Here, HQPDU is not required to issue a decision within any particular length of time. 8 C.F.R. § 241.13(g). The custody review regulations do not provide any other administrative method of obtaining or appealing a custody review decision. *See id.* § 241.13(g)(2). Petitioner has petitioned for HQPDU review of his indefinite detention, and has already waited a reasonable time for a decision. However, HQPDU has failed to make a decision. In light of the fundamental right to liberty at stake, the lack of any statutory requirement that a decision be rendered in any particular time-frame whatsoever, and the resulting extreme prejudice to Petitioner's liberty interest, Petitioner should not be required to wait *indefinitely* for an HQPDU decision on his continued indefinite detention. Exhaustion is not appropriate where "plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *Id.* Petitioner has a constitutionally-protected liberty interest in freedom from government custody. *Zadvydas*, 121 S. Ct. at 2498-2501. Petitioner's unlawful indefinite detention constitutes irreparable harm. *See Seretse-Khama v. Ashcroft*, 215 F. Supp.2d 37, 53 (D.D.C. 2002) (ordering release under *Zadvydas* on preliminary injunction based on substantial likelihood of success and finding that continued unlawful detention constitutes irreparable harm).

Second, exhaustion is not required where the Petitioner challenges the constitutionality of the agency procedure itself, "such that the question of the adequacy of the administrative remedy is for all practical purposes identical with the merits of the plaintiff's lawsuit." *McCarthy*, 503 U.S. at 148 (internal brackets omitted). In this case, Petitioner is challenging the constitutionality of the procedures by which ICE reviews the custody status of aliens who cannot be removed within six months, and whose removal is not significantly likely to occur in the reasonably foreseeable future. The administrative remedy is inadequate to address this constitutional grounds for recovery.

Finally, exhaustion is not required where the administrative remedy is inadequate due to agency bias. *Id.* at 148. Numerous courts have recognized the bias inherent in the ICE custody review process. *See Phan v. Reno*, 56 F. Supp. 2d 1149, 1157 (W.D. Wash. 1999) ("We have . . . concerns about the quality of the review afforded by INS to the Petitioners. Indeed, our review of the record confirms that INS does not meaningfully and impartially review the Petitioners' custody status."); *Rivera v. Demore*, No. C 99-3042 TEH, 1999 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that alien release determination be made by impartial adjudicator due to agency bias); *Ekekhon v. Aljets*, 979 F. Supp. 640, 644 (N.D. Ill. 1997); *St. John v. McElroy*, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) ("Due to political and community pressure, INS, an executive agency, has every incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they may continue to pose a danger to the community."). Petitioner should not be required to languish in detention awaiting a decision by HQPDU.

Argument 2: Petitioner Has Failed to Cooperate

ICE may argue that you are not cooperating enough with their efforts to remove you. They may argue that because you are not cooperating, they can suspend the removal period under 8 U.S.C. § 1231(a)(1)(C), and continue to hold you without being subject to any time constraints until you prove that you are cooperating.

The law only supports ICE's argument if you have refused to apply for travel documents or if you have provided untruthful information to ICE about, for example, your place of birth, citizenship, date of entry, etc. If you have applied for travel documents, and have provided ICE with truthful information about your place of birth, etc., then ICE should not be able to argue that you have failed to cooperate. Even if you initially provided false information about your place of birth, if you later tell the truth, then ICE cannot argue that you are not cooperating.

Sample Response:

ICE cannot seriously contend that Petitioner is not cooperating. The relevant statutory provision provides that the 90-day removal period may be extended beyond 90 days and the alien may remain in detention during that period only "if the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal." 8 U.S.C. § 1231(a)(1)(C). This statutory provision cannot be applied to Petitioner. Petitioner has made a timely application in good faith for travel documents from the [fill in your country's name] Consulate. Petitioner also has provided truthful information to ICE concerning his place of birth and citizenship.

The Government cites no cases in support of its position that it may indefinitely detain an alien who truthfully admits he is a national of the country to which ICE seeks to remove him, where there is no allegation that he has provided false or misleading information, and where the alien has done whatever has been asked of him to facilitate his removal. That is because the caselaw demonstrates that to constitute noncooperation, an alien must take some action that impedes the government's efforts to remove him or refuse to provide relevant assistance. Compare Moro v. Immigration & Naturalization Service, 58 F. Supp. 2d 854, 858 (N.D. Ill. 1999) ("Although [§ 1231(a)(1)(C)] places a burden of good-faith cooperation on aliens in securing their removal, it does not, contrary to the government's assertion, require Moro's continued detention because there is no evidence in this case that Moro has impeded the government's efforts to remove him or refused relevant assistance.") with Powell v. Ashcroft, 194 F. Supp. 2d 209, 210-11 (E.D.N.Y. 2002) (alien who provided false name, false place of birth, and false date of entry, was not cooperating). Petitioner has not done any of these things.

Therefore, ICE's contention that Petitioner is not cooperating is meritless, and provides no basis for the suspension of the removal period or Petitioner's continued unlawful detention. See Shefqet v. Ashcroft, No. 02 C 7737, 2003 WL 1964290, *4 (N.D. Ill. Apr. 28, 2003) (rejecting ICE's allegation of noncooperation as baseless where alien obtained his birth certificate and sought information from Yugoslavian Embassy regarding ICE's application for a travel document).

Moreover, to the extent that Respondents attempt to "suspend" the removal period after the removal period has already expired, the removal statute plainly does not permit such maneuvering. The Government's regulations provide that the Government must provide the alien with a "Notice of Failure to Comply' . . . *before the expiration of the removal period.*" 8 C.F.R. § 241.4(g)(1)(C)(ii) (emphasis added). If the act that the Government now deems as noncooperation took place during the 90-day removal period, the Government had every opportunity to invoke § 1231(a)(1)(C) during the removal period itself. This it failed to do without justification. Once the removal period has run, the Government cannot retroactively suspend that period pursuant to § 1231(a)(1)(C) when the act alleged to constitute noncooperation fell squarely within the removal period. See Seretse-Khama v. Ashcroft, 215 F. Supp. 2d 37, 53 n.19 (D.D.C. 2002).

Argument 3: **Petitioner Is Likely To Be Removed In the Reasonably Foreseeable Future**

ICE may also argue that its evidence shows that you are likely to be removed in the reasonably foreseeable future. It may assert that it has requested travel documents from your Consulate, and is awaiting a response. It may also offer statistics showing the number of citizens of your country that ICE has successfully repatriated, or removed, in the past several years.

Sample Response:

ICE has not satisfied its burden of showing that Petitioner is significantly likely to be removed in the reasonably foreseeable future. Already, Petitioner has been detained for [number of months detained] months. This period of detention exceeds the six-month presumptively reasonable period of detention authorized by Zadvydas. Zadvydas v. Davis, 533 U.S. 678, 701 (2001). Although ICE states that it has made a request for travel documents from the [your country of origin] Consulate, the fact is that no travel documents have been issued to date. Because the Consulate has not issued travel documents, and there is no evidence when, if ever, travel documents will be issued, ICE has not satisfied its burden and Petitioner must be released. See Shefqet v. Ashcroft, No. 02 C 7737, 2003 WL 1964290, *5 (N.D. Ill. Apr. 28, 2003) (INS failed to carry burden of proof where no travel documents had been issued, Yugoslavian alien had been detained for 17 months, and INS had been able to remove other aliens to Yugoslavia during that

period); Okwilagwe v. INS, No. 3-01-CV-1416-BD, 2002 WL 356758, *2-3 (N.D. Tex. Mar. 1, 2002) (INS failed to sustain its burden of showing alien’s removal to Nigeria would occur in reasonably foreseeable future where alien detained for 11 months, travel documents not issued and no certainty as to when they might be issued); see also Seretse-Khama v. Ashcroft, 215 F. Supp.2d 37, 53 (D.D.C. 2002) (finding that Respondents failed to meet their burden of proof under Zadvydas where they “have not demonstrated to this Court that any travel documents are in hand, nor have they provided any evidence, or even assurances from the Liberian government, that travel documents will be issued in a matter of days or weeks or even months”).

Argument 4: Petitioner Is Too Dangerous To Be Released

ICE may argue that you cannot be released because you pose a danger to the public. It may point to the fact that you have been convicted of an aggravated felony to try to convince the court that you are too dangerous to be released.

Sample Response:

ICE cannot seriously contend that Petitioner is too dangerous to be released. Moreover, Zadvydas does not permit ICE to indefinitely detain Petitioner based on allegations of criminal dangerousness alone. In Zadvydas, the Supreme Court held that an alien under a final removal order could be held longer than the presumptively-reasonable period of six months if the alien is “specially dangerous.” Zadvydas v. Davis, 533 U.S. 678, 691 (2001). Having a criminal record is an insufficient reason to refuse to release an alien after the six-month removal period has expired. Id. Rather, the U.S. Supreme Court demanded that the “dangerousness rationale be accompanied by some other special circumstance, such as mental illness, that helps to create the danger.” Id. In its analysis, the Court reiterated the need to protect an individual’s due process rights guaranteed by the Fifth Amendment. Id. at 692 (noting a “serious constitutional problem arising out of a statute that . . . permits indefinite, perhaps permanent, deprivation of human liberty”). The Court also suggested that the Constitution prohibited an administrative agency from making unreviewable decisions affecting one’s fundamental rights. Id.

To implement Zadvydas, the Government established regulations setting forth a detailed quasi civil commitment proceeding that it must follow in order to continue to detain an alien whose removal is not significantly likely to occur in the reasonably foreseeable future. See 8 C.F.R. § 241.14. These regulations establish a review procedure in Immigration Court, which ICE itself must initiate, whenever ICE seeks to indefinitely detain an alien. ICE’s regulations list only four circumstances where an alien may remain in detention even though his or her removal is not reasonably foreseeable: (1) where the alien has a highly contagious disease, (2) where serious adverse foreign policy consequences would

result from the alien's release, (3) for security or terrorism concerns, or (4) where the alien is determined to be specially dangerous. Id.

Petitioner does not fall into any of these categories, and ICE has not initiated any of the procedures required to certify Petitioner as falling into any of these categories. To the extent ICE is arguing that it can continue indefinitely detaining Petitioner on the grounds that he is "specially dangerous," it has not even attempted to comply with its own extensive procedures to obtain such a classification. See 8 C.F.R. 241.14(f)-(g), (i). Here, ICE has not obtained a certification of special dangerousness from the Commissioner, it has not ordered that Petitioner undergo a medical examination, and it has not initiated a reasonable cause proceeding in Immigration Court. ICE's own regulations provide that without proving "special dangerousness" by clear and convincing evidence before an Immigration Judge, ICE does not have the ability to indefinitely detain an alien who has no significant likelihood of being removed within a six-month period. In short, ICE has not followed its own rules, or the due process demanded by the U.S. Constitution and by Zadvydas. It follows that ICE's assertions that Petitioner can be indefinitely detained due to his criminal record should carry no weight whatsoever in this Court's determination.

STEP FOUR:
FILING A MOTION FOR APPOINTMENT OF COUNSEL

We have provided a sample motion for the appointment of counsel, if you cannot afford a lawyer. See Form 4. You can use this motion to ask the court to appoint a lawyer to represent you in your habeas proceeding. As in the sample habeas petition, there are blanks throughout the document where you can fill in information based on the specific facts of your case. Because of the complex nature of the issues involved in your habeas case, if you cannot afford a lawyer, it is strongly recommended that you file this motion for the appointment of counsel.

The motion for appointment of counsel must be filed together with your habeas petition.

STEP FIVE:
FILING A MOTION TO PROCEED *IN FORMA PAUPERIS*

If you do not have enough money to pay the filing fee for the filing of a petition for a writ of habeas corpus, you may file a motion to proceed *in forma pauperis*. In **Form 5** of the appendix, you will find the following three documents:

- (1) Motion to Proceed *In Forma Pauperis*
- (2) Prisoner Certificate
- (3) Trust Account Withdrawal Authorization

These three documents are samples only and are designed to give you an idea of what the required forms look like if you want to proceed *in forma pauperis* (as a pauper). Most courts, however, have their own forms that you must request and submit with your habeas petition. You should therefore contact the Clerk of the Court where you plan to file your habeas petition, to request that they send you the necessary forms to proceed *in forma pauperis*. Once you have the proper forms, fill them out and submit them to the Court together with your habeas petition and your motion for appointment of counsel.

SPECIAL CASES: HABEAS CORPUS FOR MARIEL CUBANS

Up to this point in the handbook, we have discussed the Supreme Court's ruling in Zadvydas and the procedures by which detained aliens can seek release from ICE detention based on the Zadvydas decision. If you are Cuban and came to the United States as part of the Mariel Boatlift, the Supreme Court ruled in Martinez that Zadvydas applies equally to you. However, the administrative rules that apply to you are somewhat different.

1. Petitioning for Administrative Review: The Cuban Review Plan

For Mariel Cubans, your continued detention is reviewed by ICE somewhat differently from other aliens. See 8 C.F.R. § 212.12. The continued detention of Mariel Cubans is not reviewed by ICE Headquarters (HQPDU), and you cannot ask HQPDU to review your custody status. For your yearly custody review, the factors that ICE will look at are very similar to those discussed in **Step One** of this manual. In advance of your review, you should submit the same documents and information listed in **Step One** of this manual. You may use **Form 1** to submit a letter to the Cuban Review Panel explaining why you should be released.

2. Petitioning for a Writ of Habeas Corpus

If ICE has not released you more than six months after your detention, and after you requested a Cuban Review Panel custody review, you may wish to bring a petition for a writ of habeas corpus under Martinez. In **Form 6** of the appendix, you will find a model habeas petition for Mariel Cubans. To file this habeas petition, follow instructions in **Step Three**.

If you need a lawyer and cannot afford one, you may file a motion for the appointment of counsel by following instructions under **Step Four** of this manual. If you cannot afford the filing fee for the habeas petition, you may ask to proceed *in forma pauperis* (as a pauper). Go to **Step Five** of the manual and follow instructions.

APPENDICES

Appendix A: Forms

Appendix B: U.S. District Court Addresses

Appendix C: Resources

APPENDIX A: FORMS

Form 1: **Ninety-Day Letter Requesting Initial Release From Detention**

Form 2: **Six-Month Letter Requesting Release From Detention**

Form 3: **Petition for Writ of Habeas Corpus**

Form 4: **Motion for Appointment of Counsel**

Form 5: **Motion to Proceed *In Forma Pauperis*, Prison Certificate, Trust
Account Withdrawal Authorization**

Form 6: **Petition for Writ of Habeas Corpus for Mariel Cubans**

Form 1: Ninety-Day Letter Requesting Initial Release From Detention

[Print your full name]

[Alien number]

[Mailing address at your detention center]

[Today's date]

[The address provided to you in the written notice from the Office of Detention and Removal U.S. Immigration and Customs Enforcement]

I request that ICE take the following information into consideration in reviewing my custody status because I believe that I qualify for an order of supervision. I am under a final order of removal and have been in detention for more than 90 days since my order of removal became final. I am not a danger to public safety, and I am not a flight risk.

I entered the United States on [date of your entry]. I am not a danger to public safety because [In this section, you must convince ICE that you will not commit further crimes or otherwise pose a danger to the public. Include reasons such as those suggested below. **Attach photocopies of any letters or documents that support these claims:**

- 1) My past criminal conduct occurred while I was associated with certain people who had a negative influence on me. If released, I will be living far away from these people.
- 2) I will live with my parent(s)/other relative/friend where I will have a stable home.
- 3) I will have a job if released (explain where you will work, and, if possible, have your employer write a letter, which you can submit, explaining that you will have a job there).
- 4) I want to continue my education and will enroll in job training/college/educational programs if released.
- 5) I have been rehabilitated while in detention (list the programs that you have completed, such as Alcoholics Anonymous, Bible study, drug treatment, or vocational training, and **attach certificates/letters of completion**).

- 6) I did not have any disciplinary problems while in detention (if you have a good disciplinary record, have someone from your detention center write a letter supporting this claim for you to submit with this letter).
- 7) I have a healthy support network available that will help me succeed outside of detention (describe your family or other ties to the community, church or other religious membership, or any community programs that will support you after you are released).
- 8) Unusual circumstances warrant my release (explain any unusual circumstances, such as a sick family member who needs your help, any extensive medical treatment that you require, or your family's need for your financial support).
- 9) I realize that I have made mistakes in the past, but I have learned from them and can now be a productive member of society.]

I am not a flight risk because I will live at [write the address and phone number where you will live if released] with my [write who you will live with, if applicable]. I have the following family members in the United States:

[Enter the names and addresses of all family members living in the United States, and state whether they are lawful permanent residents or U.S. citizens]. _____

When I am released, I will concentrate on working and supporting my family. I am prepared to comply with all restrictions imposed on me as part of my release.

[If you have ever violated your probation or missed a court hearing or ICE appointment, explain why and state why it will not happen again]. _____

I have cooperated with ICE's efforts to remove me from the United States. I have [In this section, explain what you and your Deportation Officer have done to get your home country's permission for your return. For example, explain which papers you have signed, whether you have talked to your home country's embassy or consulate, and whether you have provided ICE with any photographs, fingerprints, or identity papers. **Attach photocopies of any letters or documents you have supporting these claims**].

My home country will not accept my deportation because [In this section, provide the reason(s) why ICE will be unable to deport you, if applicable. For example, you could explain that your home country does not have a repatriation agreement with the United States; that you know other detainees from your home country are not deported; that your home country has specifically told you it will not take you back; or that your home country does not consider you to be a citizen].

For the reasons stated above, I ask that ICE release me under an order of supervision so that I may join my family, return to gainful employment, and no longer be a financial burden to society.

Respectfully Submitted,

[Print your full name and Alien number]

[Sign your full name]

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I request that ICE take the following information into consideration in reviewing my custody status because I believe that I qualify for an order of supervision. I am under a final order of removal and have been in detention for more than 90 days since my order of removal became final. I am not a danger to public safety, and I am not a flight risk.

I entered the United States on _____. I am not a danger to public safety because _____

I am not a flight risk because I will live at _____

_____ with my _____

I have the following family members in the United States: _____

When I am released, I will concentrate on working and supporting my family.

I am prepared to comply with all restrictions imposed on me as part of my release.

I have cooperated with ICE's efforts to remove me from the United States. I have _____

My home country will not accept my deportation because _____

For the reasons stated above, I ask that ICE release me under an order of supervision so that I may join my family, return to gainful employment, and no longer be a financial burden to society.

Respectfully Submitted,

Form 2: Six-Month Letter Requesting Release From Detention

[Print your full name]

[Alien number]

[Mailing address at your detention center]

[Today's date]

Headquarters Post-Order Detention Unit
U.S. Department of Homeland Security
Immigration and Customs Enforcement
801 I Street, N.W., Suite 900
Washington, DC 20536

I request that ICE take the following information into consideration in reviewing my custody status because I believe that I qualify for an order of supervision. I am under a final order of removal and have been in detention for more than 6 months since my order of removal became final. It is unlikely that I will be deported to [your home country] in the reasonably foreseeable future. I am not a danger to public safety, and I am not a flight risk.

I entered the United States on [date of your entry]. I have the following family members in the United States:

[Enter the names and addresses of all family members living in the United States, and state whether they are lawful permanent residents or U.S. citizens].

My home country will not accept my deportation because [In this section, provide the reason(s) why ICE has been unable to deport you. For example, you could explain that your home country does not have a repatriation agreement with the United States, that you know other detainees from your home country are not

deported; that your home country has specifically told you it will not take you back; or that your home country does not consider you to be a citizen].

I have cooperated with ICE efforts to remove me from the United States. I have [In this section, explain what you and your Deportation Officer have done to get your home country's permission for your return. For example, explain which papers you have signed, whether you have talked to your home country's embassy or consulate, and whether you have provided ICE with any photographs, fingerprints, or identity papers. **Attach photocopies of any letters or documents you have supporting these claims].**

In addition, I am not a danger to public safety because [In this section, you should provide information to ICE to demonstrate that you will not commit further crimes or otherwise pose a danger to the public. Include reasons such as those suggested below. **Attach photocopies of any letters or documents that support these claims.**

- 1) My past criminal conduct occurred while I was associated with certain people who had a negative influence on me. If released, I will be living far away from these people.
- 2) I will live with my parent(s)/other relative/friend where I will have a stable home.
- 3) I will have a job if released (explain where you will work, and, if possible, have your employer write a letter, which you can submit, explaining that you will have a job there).
- 4) I want to continue my education and will enroll in job training/college/educational programs if released.
- 5) I have been rehabilitated while in detention (list the programs that you have completed, such as Alcoholics Anonymous, Bible study, drug treatment, or vocational training, and **attach certificates/letters of completion**).

- 6) I did not have any disciplinary problems while in detention (if you have a good disciplinary record, have someone from your detention center write a letter supporting this claim for you to submit with this letter).
- 7) I have a healthy support network available that will help me succeed outside of detention (describe your family or other ties to the community, church or other religious membership, or any community programs that will support you after you are released).
- 8) Unusual circumstances warrant my release (explain any unusual circumstances, such as a sick family member who needs your help, any extensive medical treatment that you require, or your family's need for your financial support).
- 9) I realize that I have made mistakes in the past, but I have learned from them and can now be a productive member of society.]

I am not a flight risk because I will live at [write the address and phone number where you will live if released] with my [write who you will live with, if applicable]. When I am released, I will concentrate on working and supporting my family. I am prepared to comply with all restrictions imposed on me as part of my release. [If you have ever violated your probation, or missed a court hearing or ICE appointment, you should explain why and tell ICE why your failure to comply will not recur.]

For the reasons stated above, I ask that ICE release me under an order of supervision so that I may join my family, return to gainful employment, and no longer be a financial burden to society.

Respectfully Submitted,

[Print your full name and Alien number]

[Sign your full name]

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Headquarters Post-Order Detention Unit
U.S. Department of Homeland Security
Immigration and Customs Enforcement
801 I Street, N.W., Suite 900
Washington, DC 20536

I request that ICE take the following information into consideration in reviewing my custody status because I believe that I qualify for an order of supervision. I am under a final order of removal and have been in detention for more than 6 months since my order of removal became final. It is unlikely that I will be deported to _____ in the reasonably foreseeable future. I am not a danger to public safety, and I am not a flight risk.

I entered the United States on _____. I have the following family members in the United States:

My home country will not accept my deportation because _____

I have cooperated with ICE efforts to remove me from the United States. I have _____

In addition, I am not a danger to public safety because _____

I am not a flight risk because I will live at _____
_____ with my _____
When I am released, I will concentrate on working and supporting my family. I am
prepared to comply with all restrictions imposed on me as part of my release. _____

For the reasons stated above, I ask that ICE release me under an order of
supervision so that I may join my family, return to gainful employment, and no
longer be a financial burden to society.

Respectfully Submitted,

Form 3: Petition for Writ of Habeas Corpus

UNITED STATES DISTRICT COURT
FOR THE [name of district where you will file this petition. For example,
EASTERN DISTRICT OF LOUISIANA]

[Print your full name and A-Number],

Civil Action No. [leave blank]

Petitioner,

v.

[write name of attorney general],

ATTORNEY GENERAL;

[write name of the DHS Secretary],

SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY;

[name of the Field Office Director for the
District where you are in custody], U.S. ICE

FIELD OFFICE DIRECTOR FOR THE

[name of District where you are in custody]

FIELD OFFICE; and WARDEN OF
IMMIGRATION DETENTION FACILITY,

Respondents.

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, [your full name], hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is detained at the [name of your detention center] in [city and state where you are being held; for example, New Orleans, Louisiana]. [If you are detained in a state, county, or private facility, you should also write: ICE has contracted with {insert the name of your detention center} to house immigration detainees such as Petitioner.] Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the [name of district where you are filing petition, for example, Eastern District of Louisiana], the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of [list country]. Petitioner was first taken into ICE custody on [date], and has remained in ICE custody continuously since that date. Petitioner was ordered removed on [date]. [State when your order of deportation became final. For example, “Petitioner waived his appeal from the order of deportation, thereby making it final on that same date.” OR “Petitioner did not appeal his order of deportation; thereby making it final 30 days from the date Petitioner was ordered removed.” OR “BIA dismissed the appeal.”]

7. Respondent [Alberto Gonzales or present Attorney General] is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, [Mr. Gonzales or present Attorney General] has ultimate custodial authority over Petitioner.

8. Respondent [Michael Chertoff or present DHS Secretary] is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, [Mr. Chertoff or present Assistant Secretary of ICE] is the legal custodian of Petitioner.

9. Respondent [name of ICE Field Office Director] is the ICE Field Office Director of the [name of field office] Field Office of ICE and is Petitioner's immediate custodian. See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

10. Respondent Warden of [name of facility where you are in detention], where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, [your name], is a native and citizen of [your home country]. Petitioner has been in ICE custody since [date]. An Immigration Judge ordered the Petitioner removed on [date you were ordered removed. If you appealed to the Board of Immigration Appeals (BIA), also write the date of the BIA's decision in your case].

12. [Provide a summary of your immigration history, including: 1) when you first arrived in the United States; 2) countries you lived in before the United States; and 3) whether you or your family ever became lawful permanent residents or applied for citizenship.]

13. [Provide a brief summary of your criminal history, if applicable.]

14. [Explain when and how ICE first took you into custody. For example, ICE picked you up from prison after you finished your sentence, or they arrested you at a meeting with your probation officer.]

15. To date, however, ICE has been unable to remove the Petitioner to [your home country] or any other country. [Explain why your home country will not accept you for deportation if you know. For example, if you are from Vietnam or Laos, write: No repatriation agreement exists between the United States and Laos. If you are from any other country, state whether your home country has an embassy in the United States, or if you have ever heard of your home country accepting citizens for deportation. If people sometimes can be deported to your home country, explain why there is a special reason that your home country will not accept you. For example, it does not consider you a citizen because your parents were born in another country, or it does not accept the deportation of permanent residents or people with certain criminal convictions. If you have talked to your consulate or your Deportation Officer about why you cannot be deported, explain who you spoke to and when, and what you talked about.]

16. Petitioner has cooperated fully with all efforts by ICE to remove Petitioner from the United States. [Explain what you have done to help ICE apply for your travel documents. For example, explain whether you have signed a travel document application or other papers, provided your Deportation Officer with information about when and where you were born, or provided ICE with photographs, fingerprints, or identity documents. Refer back to the information you sent ICE in previous custody reviews.]

17. Petitioner's custody status was first reviewed on [date of your first custody review]. On [date you received written decision], Petitioner was served with a written decision ordering his/her continued detention.

18. On [date you received notice your case was being transferred to HQPDU], Petitioner was served with a notice transferring authority over his/her custody status to ICE Headquarters Post-Order Detention Unit ("HQPDU"). [Explain what you have done to ask ICE Headquarters to release you from detention. For example, explain the dates that you mailed letters and other supporting documents, whether you have received a written decision or any other information about your custody status, or whether you have heard anything from ICE Headquarters since your case was transferred.]

LEGAL FRAMEWORK FOR RELIEF SOUGHT

19. In Zadvydas v. Davis, 533 U.S. 678 (2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Department of Homeland Security administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii).

20. Petitioner was ordered removed on [date you were ordered removed], and the removal order became final on [date your removal order became final].

Therefore, the six-month presumptively reasonable removal period for Petitioner ended on [six months after the date your removal order became final].

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in Zadvydas. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to [your home country] or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas and Martinez that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

25. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. Zadvydas recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. [If you have not received a decision from HQPDU, insert: Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates Zadvydas.]

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;

- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

[Your signature]
Petitioner

[Today's date]
Date executed

[Print your name and A-Number]

[Your mailing address]

UNITED STATES DISTRICT COURT
FOR THE _____

_____,
Petitioner,

v.

_____, ATTORNEY
GENERAL;

_____,
SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY;

_____,
U.S. ICE FIELD OFFICE DIRECTOR FOR
THE _____ FIELD OFFICE;
and WARDEN OF IMMIGRATION
DETENTION FACILITY,

Respondents.

Civil Action No. _____

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, _____, hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the

_____ in

_____.

Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493 - 500 (1973), venue lies in the United States District Court for the

_____, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of _____. Petitioner was first taken into ICE custody on _____, and has remained in ICE custody continuously since that date. Petitioner was ordered removed on _____.

7. Respondent _____ is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, _____ has ultimate custodial authority over Petitioner.

8. Respondent _____ is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, _____ is the legal custodian of Petitioner.

9. Respondent _____ is the Field Office Director of the _____ Field Office of ICE and is Petitioner's immediate custodian.

See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

10. Respondent Warden of _____, where
Petitioner is currently detained under the authority of ICE, alternatively may be
considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, _____, is a native and citizen of
_____. Petitioner has been in ICE custody since _____.
An Immigration Judge ordered the Petitioner removed on _____
_____.

12. _____

_____.

13. _____

_____.

14. _____

_____.

15. To date, however, ICE has been unable to remove Petitioner to

_____ or any other country. _____

16. Petitioner has cooperated fully with all efforts by ICE to remove him from the United States. _____

17. Petitioner's custody status was first reviewed on _____.

On _____, Petitioner was served with a written decision ordering his/her continued detention.

18. On _____, Petitioner was served with a notice transferring authority over his/her custody status to ICE Headquarters Post-Order Detention Unit (“HQPDU”). _____

LEGAL FRAMEWORK FOR RELIEF SOUGHT

19. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Department of Homeland Security administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien’s removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii).

20. Petitioner was ordered removed on _____, and the removal order became final on _____. Therefore, the six-month presumptively reasonable removal period for Petitioner ended on _____.

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in Zadvydas. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to _____ or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas and Martinez that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

25. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling

government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. Zadvydas recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Petitioner

Date executed

Form 4: Motion for Appointment of Counsel

Instructions

We have included in this manual a sample motion for the appointment of counsel. Follow these Instructions to complete this motion. Remember that the motion for appointment of counsel must be filed together with your habeas petition.

Along the left side of every page on the sample motion are the numbers 1-28. These numbers correspond roughly to the lines of text on the page. Instructions are written using these numbers. Read Instructions below on how to fill in each blank and complete the motion.

Page 1

- Lines 1-5:
 - Write your name on line 1
 - Write your A-Number on line 2.
 - Write your address on lines 3-5.
 - E.g.: John Smith
 A-12-345-678
 ICE Detention Facility
 123 Main Street
 City, State 12345
- Line 9:
 - In the blank under the words “United States District Court,” write the name of the court where you are filing your petition.
 - For example: Northern District of California, OR Eastern District of Louisiana, etc.
- Line 10:
 - Write your name in the blank on the left side.
- Line 11:
 - Next to the “A” on the left side, write your A-Number.
- Line 15:
 - Write the name of the United States Attorney General. Currently, the Attorney General is Alberto Gonzales.
- Line 16:
 - Write the name of the Secretary of the Department of Homeland Security. Currently, the DHS Secretary is Michael Chertoff.
- Line 18:
 - Write the name of the Field Office Director for the district where you are in custody.

- Line 19:
 - Write the name of the Field Office for the district where you are in custody.
- Line 24:
 - Write the name of your home country (the country where you are a citizen).
- Line 25:
 - Write the name of the country to which you have been ordered removed.

Page 2

- Line 1:
 - Again, write the name of the country to which you have been ordered removed.
- Lines 18-20:
 - In this space, you should explain that you do not have enough money to pay for a lawyer.
 - If you are applying to proceed *in forma pauperis*, that is, you are unable to pay the court fee, write:
 - “The affidavit accompanying Petitioner’s request to proceed *in forma pauperis* demonstrates that Petitioner cannot afford to hire counsel.”
 - If you are not applying to proceed *in forma pauperis*, but you still cannot afford to pay for your own lawyer, explain your financial situation. Here are some examples of things you can say, **as long as they are true**:
 - You have no income or other assets.
 - You have very little income or assets, and not enough to pay for a lawyer.
 - ◆ Write down how much it is and where it comes from.
 - You have no property.
 - You have very little money in your prisoner account.
 - ◆ Write down how much you have.
 - Examples:
 - “Petitioner has no income and only \$100 in his/her prisoner account.”
 - “Petitioner has only \$50 in his/her prisoner account, and he/she receives \$10 a month from his mother.”
 - **Remember that you must be truthful about anything you write in any motion or other statement or document.**

Page 3

- Line 5:
 - Write the amount of time you have been in custody since the date of your final removal order.
 - **Remember, you must have been in custody for at least 6 months since your final removal order in order to have a chance at getting your habeas petition granted by the court!**
- Lines 6 and 7:

- Write the name of the country to which you have been ordered removed.
- Lines 17-19:
 - In this space, write down the reasons why you will not be able to understand the laws involved in your case.
 - Things you might want to mention:
 - Immigration law, and the issues involved here, are complex and that you are unable to adequately represent yourself. Your fundamental right to freedom is at stake here, and it would be very difficult for you to present your case, and respond to any defenses raised by ICE, without the assistance of counsel.
 - You have very little education.
 - You do not understand English very well.
 - You do not know anything about the American legal system.
 - Examples:
 - “Petitioner is a lay person without special education in the law. The issues presented in my case are complex, and my fundamental right to freedom is at stake. It would be difficult for me to respond to any defenses raised by ICE without the assistance of counsel.”
 - “Petitioner has only had a few years of schooling and does not speak English very well.”
 - “Petitioner has a very limited knowledge of English.”
 - “Petitioner has no knowledge of the American legal system and cannot understand the issues in this case.”
 - **Remember to be truthful! Don’t say that you do not know English if you actually understand it very well.**

Page 4

- Line 23:
 - In the blank on the left, write the date that you are filling out the form.
 - In the blank on the right, write your full name clearly. In the space above where you have written your name, sign your name.

Following the Motion for Appointment of Counsel is a Proposed Order.

Proposed Order: Fill in the information in the top part of the motion just as you did in the motion for appointment of counsel. Also write your name in the first paragraph where there is a blank line. That is all you need to write on the Order. Submit the Proposed Order together with the Motion for Appointment of Counsel.

1 _____
2 _____
3 _____
4 _____
5 _____
6
7
8 **UNITED STATES DISTRICT COURT**
9 _____

10 _____,
11 [A _____],

12 **Petitioner,**

13 **v.**

14 _____,
15 **ATTORNEY GENERAL;**
16 _____,
17 **SECRETARY OF DEPARTMENT**
18 **OF HOMELAND SECURITY;**
19 _____, U.S.
20 **ICE FIELD OFFICE DIRECTOR FOR**
21 **THE _____ FIELD**
22 **OFFICE, and WARDEN OF**
23 **IMMIGRATION DETENTION**
24 **FACILITY,**

25 **Respondents.**

Civil Action No.

**MOTION FOR APPOINTMENT
OF COUNSEL PURSUANT TO
18 U.S.C. § 3006A**

26
27
28
Petitioner is a citizen of _____. Petitioner is in ICE custody in the United States, but has been ordered removed to _____ by an immigration judge. Petitioner's removal order is final, but Petitioner cannot be removed to

1 _____, or any other country. Thus, Petitioner remains indefinitely detained
2 in ICE custody, and has been confined for a period far longer than the law mandates.
3 Under 8 U.S.C. § 1231(a)(1)–(2), once an alien has been ordered removed, the Attorney
4 General must carry out the removal within a period of 90 days, during which time the alien
5 shall be detained. The post-removal-period provision of the same statute, 8 U.S.C.
6 § 1231(a)(6), allows for certain aliens to be detained beyond the removal period, but the
7 Supreme Court explicitly limited this detention period in Zadvydas v. Davis, 533 U.S. 678
8 (2001). In that case, the Court held that § 1231(a)(6) restricts an alien’s post-removal-
9 period detention to a period reasonably necessary to bring about that alien’s removal, and
10 that it “does not permit indefinite detention.” Zadvydas, 533 U.S. at 689. The Court found
11 that a presumption exists that an alien may not be held longer than six months; the general
12 rule is that an alien may no longer be confined when there is “no significant likelihood of
13 removal in the reasonably foreseeable future.” Id. at 701. In Clark v. Martinez, the
14 Supreme Court extended this holding to inadmissible aliens. 125 S. Ct. 716, 722 (2005).

15 The question as to whether Petitioner’s detention is in violation of the laws of the
16 United States is one for a federal habeas court to hear. 28 U.S.C. § 2241. Accordingly,
17 Petitioner files the accompanying habeas corpus petition, pursuant to 28 U.S.C. § 2241,
18 requesting that this Court order Petitioner’s release. _____
19 _____
20 _____

21 Therefore, Petitioner requests that this Court appoint counsel to represent Petitioner in
22 this habeas action.

23
24 **I. The Court Should Exercise Its Discretion to Appoint Counsel**

25 Assuming that a Petitioner has shown financial need, a district court may appoint
26 counsel in a habeas proceeding under 28 U.S.C. § 2241 when the “interests of justice so
27 require.” 18 U.S.C. § 3006A(a)(2)(B). Courts have often examined three elements in
28

1 determining whether appointment of counsel is necessary: the likelihood of success on
2 the merits, the complexity of the legal issues involved in the case, and the ability of the
3 Petitioner to present the case in light of its complexity. See, e.g., Weygandt v. Look, 718
4 F.2d 952, 954 (9th Cir. 1983); Saldina v. Thornburgh, 775 F.Supp. 507, 511 (D. Conn.
5 1991). Petitioner has been held in custody for _____ since being ordered
6 removed to _____, and removal in the reasonable foreseeable future
7 is unlikely because _____ will not accept Petitioner. Under the Supreme
8 Court’s decision in Zadvydas, Petitioner’s continued detention is presumptively
9 unreasonable. Thus, Petitioner has a high likelihood of success on the merits.

10 Moreover, Petitioner would encounter great difficulty in presenting this habeas
11 corpus case alone. The House Report on the predecessor to § 3006A(a)(2)(B) recognized
12 that habeas corpus proceedings often present “serious and complex issues of law and
13 fact” that would necessitate the assistance of counsel. H.R. Rep. No. 1546, 91st Cong. 2d
14 Sess. (1970), reprinted in 1970 U.S.C.C.A.N. 3982, 3993. In addition, the congressional
15 report on § 3006A(2)(B) stated that a court *should* appoint counsel when “necessary to
16 insure a fair hearing.” Id. The complexity of a habeas case will pose an especially great
17 obstacle for Petitioner. _____
18 _____
19 _____

20 In light of the complicated issues involved in habeas cases and Petitioner’s inability to
21 adequately present the case at bar, as well as Petitioner’s likelihood of success on the
22 merits, this Court should exercise its discretion to appoint counsel under 18 U.S.C.
23 3006A(a)(2)(B).
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II. Appointment Of Counsel Is Necessary Because Discovery Is Imperative

The rules governing habeas proceedings require the appointment of counsel in certain circumstances.³⁶ Under Rule 6(a), 28 U.S.C. foll. § 2254, a judge must appoint counsel for a Petitioner if it is “necessary for effective utilization of discovery procedures.” ICE has information and documents relevant to Petitioner’s habeas petition, and without the assistance of counsel, Petitioner will not be able to effectively pursue discovery and, as a result, will not adequately present his claims. The aid of an attorney is especially important in this case, given Petitioner’s lack of familiarity with the legal procedure involved in requesting and obtaining discovery. Moreover, even if Petitioner were to obtain documents in discovery, without the assistance of counsel, Petitioner would not be capable of analyzing them to determine his likelihood of being removed in the foreseeable future.

III. An Evidentiary or Motions Hearing May Be Necessary

Under Rule 8(c), 28 U.S.C. foll. § 2254, the court is required to appoint counsel in a habeas proceeding if an evidentiary hearing is needed. An evidentiary hearing will likely be necessary in this case. Regardless of any other issues, if an evidentiary hearing is scheduled, the court must appoint counsel for Petitioner.

For the above reasons, this Court should appoint counsel to assist Petitioner in instant habeas proceedings challenging Petitioner’s detention by ICE, pursuant to the Supreme Court decisions in Zadvydas and Martinez.

Respectfully submitted,

Dated: _____

Petitioner

³⁶ The rules cited in sections II and III typically govern those habeas corpus cases brought under § 2254. However, these rules may be applied to habeas cases that do not fall under § 2254 – such as those cases arising under § 2241 – at the discretion of the court. Rule 1(b), 28 U.S.C. foll. § 2254.

1
2 **UNITED STATES DISTRICT COURT**
3

4 _____,
5 [A _____],

6 Petitioner,

7 v.

Civil Action No.

8 _____,
9 ATTORNEY GENERAL;

10 _____,
11 SECRETARY OF DEPARTMENT
12 OF HOMELAND SECURITY;

13 _____, U.S.
14 ICE FIELD OFFICE DIRECTOR FOR
15 THE _____ FIELD
16 OFFICE; and WARDEN OF
17 IMMIGRATION DETENTION
18 FACILITY,

19 Respondents.

20 **ORDER**

21 Upon consideration of Petitioner _____'s Petition for a Writ
22 of Habeas Corpus and Motion for Appointment of Counsel, it is hereby

23 **ORDERED** that Petitioner's Motion for Appointment of Counsel is
24 hereby **GRANTED**.

25 Done and dated this _____ day of _____, 200__.

26 **BY THE COURT:**

27 _____
28 United States District Judge

Form 5: Motion to Proceed *In Forma Pauperis*, Prison Certificate, Trust Account Withdrawal Authorization

If you do not have enough money to pay the filing fee, you may file a motion to proceed *in forma pauperis*. The forms we have provided are merely to give you an idea of what the forms look like. Most courts have specific forms of their own that you must use if you want to proceed *in forma pauperis*. You should, therefore, contact the court where you are going to file your habeas petition to request an *in forma pauperis* form (see Appendix B for court contact information). If for some reason you are unable to obtain these forms from the court, however, you can use the attached forms.

**UNITED STATES DISTRICT COURT
FOR THE _____
DISTRICT OF _____**

Plaintiff

v.

Case No. _____
(to be filled in by Clerk)

Defendant

**MOTION AND DECLARATION UNDER
PENALTY OF PERJURY IN SUPPORT
OF MOTION TO PROCEED IN FORMA
PAUPERIS**

I, _____, declare, depose, and say that I am the Petitioner in this case. In support of my motion to proceed without being required to prepay fees, costs or give security under 28 U.S.C. § 1915, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore. I believe I am entitled to redress.

I declare that the responses that I have made below are true.

1. If you are presently employed, state the amount of your salary wage per month, and give the name and address of your last employer.

2. If you are NOT PRESENTLY EMPLOYED, state the date of last employment and amount of the salary per month which you received and how long the employment lasted.

3. Have you received, within the past twelve months, any money from any of the following sources?

- | | | |
|---|------------------------------|-----------------------------|
| a. Business, profession or form of self-employment? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| b. Rent payments, interest or dividends? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| c. Pensions, annuities or life insurance payments? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| d. Gifts or inheritances? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| e. Family or friends? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| f. Any other sources? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

PRISON CERTIFICATE

(To be completed by an officer of institution of incarceration.)

I certify that the applicant _____
(Name of Detainee)

_____ has the sum of \$ _____ on account to
(Detainee's A Number)

his/her credit at _____. I further certify that the
(Name of institution)

applicant has the following securities _____

to his/her credit according to the records of the aforementioned institution. I further certify

that during the past six months the applicant's average monthly balance was

\$ _____ and the average monthly deposits to the applicant's account was

\$ _____.

Date

Signature of Authorized Officer of institution

Officer's Full Name (Printed)

Officer's Title / Rank

TRUST ACCOUNT WITHDRAWAL AUTHORIZATION

(This form MUST be completed by the detainee to proceed *in forma pauperis*.)

I, _____, request and authorize the agency holding me
Name and A number
in custody to prepare for the Clerk of the United States District Court for the
_____ District of _____, a certified copy of the
statement for the past six months of my trust fund account (or institutional
equivalent) activity at institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and
disburse funds from my trust fund account (or institutional equivalent) pursuant to
any future orders issued by the Court relating to this civil action pursuant to the
Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110
Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the _____
District of _____, and I understand that, pursuant to 28 U.S.C.
§§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is
\$____. I also understand that this fee will be debited from my account regardless of
the outcome of this action. This authorization shall apply to any other agency into
whose custody I may be transferred.

Date

Signature of Prisoner

Form 6: Petition for Writ of Habeas Corpus for Mariel Cubans

UNITED STATES DISTRICT COURT
FOR THE [name of district where you will file this petition. For example, Eastern District Of Louisiana; District Of Columbia, etc...]

[Print your full name and A-Number],

Petitioner,

v.

[write name of attorney general],

ATTORNEY GENERAL;

[write name of DHS Secretary],

SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY;

[write name of the Field Office Director for
The district where you are in custody], U.S.
ICE FIELD OFFICE DIRECTOR FOR THE
[name of district where you are in custody]
FIELD OFFICE; and WARDEN OF
IMMIGRATION DETENTION FACILITY,

Respondents.

Civil Action No. [leave blank]

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, [your full name], hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is detained at the [name of your detention center] in [city and state where you are being held; for example, New Orleans, Louisiana]. [If you are detained in a state, county, or private facility, you should also write: “ICE has contracted with {insert the name of your detention center} to house immigration detainees such as Petitioner.”] Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the [name of district where you are filing petition, for example, Eastern District of Louisiana], the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of Cuba. Petitioner was first taken into ICE custody on [date], and has remained in ICE custody continuously since that date. Petitioner was ordered removed on [date]. [State when your order of deportation became final. For example, “Petitioner waived his appeal from the order of deportation, thereby making it final on that same date.” OR “Petitioner did not appeal his order of deportation; thereby making it final 30 days from the date Petitioner was ordered removed.” OR “BIA dismissed the appeal.”]

7. Respondent [Alberto Gonzales or present Attorney General] is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, [Mr. Gonzales or present Attorney General] has ultimate custodial authority over Petitioner.

8. Respondent [Michael Chertoff or present DHS Secretary] is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, [Mr. Chertoff or present DHS Secretary] is the legal custodian of Petitioner.

9. Respondent [name of ICE field office director] is the Field Office Director of the [name of field office] Field Office of ICE and is Petitioner's immediate custodian. See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

10. Respondent Warden of [name of facility where you are in detention], where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, [your name], is a native and citizen of Cuba. Petitioner has been in ICE custody since [date]. An Immigration Judge ordered the Petitioner removed on [date you were ordered removed. If you appealed to the Board of Immigration Appeals (BIA), also write the date of the BIA's decision in your case].

12. Petitioner first arrived in the United States in 1980 as part of the Mariel boatlift. Petitioner previously resided in Cuba.

13. [Provide a brief summary of your criminal history].

14. [Explain the details of your parole, and when ICE most recently took you into custody. For example, you were paroled from 1980 to 1995 and ICE picked you up from prison in 1998 after you finished your criminal sentence, or they arrested you at a meeting with your probation officer].

15. To date, however, ICE has been unable to remove the Petitioner to Cuba. It is Petitioner's understanding that Cuba will deny any and all requests for travel documents as there are currently no formal diplomatic relations between Cuba and

the United States, nor is there any formal or informal agreement between the two countries regarding repatriation.

16. Petitioner has cooperated fully with all efforts by ICE to remove him from the United States. [Explain what you have done to help ICE apply for your travel documents. For example, explain whether you have signed a travel document application or other papers, admitted your Cuban citizenship, provided your Deportation Officer with information about when and where you were born, or provided ICE with photographs, fingerprints, or identity documents.]

17. Petitioner's most recent custody review under the Cuban Review Plan, 8 C.F.R. § 212.12, took place on [date of your most recent custody review]. On [date you received written decision], Petitioner was served with a written decision by ICE to continue Petitioner's indefinite detention.

18. On [dates of other custody reviews], the Petitioner's custody status was reviewed under the Cuban Review Plan. After each review, Petitioner was informed that ICE would continue detention.

19. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. This was found to apply to inadmissible aliens, including Mariel Cubans, in Clark v. Martinez, 125 S. Ct. 716, 727 (2005).

20. Petitioner was ordered removed on [date you were ordered removed], and the removal order became final on [date your removal order became final].

Therefore, the six-month presumptively reasonable removal period for Petitioner ended on [six months after the date your removal order became final].

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted in Zadvydas. Petitioner's ninety-day statutory removal period and six-month presumptively reasonable period for continued removal efforts both have passed. Respondents are unable to remove Petitioner to Cuba because there is no repatriation agreement between the United States and Cuba, and Cuba will not accept its citizens who have been ordered removed from the United States. In Martinez, the Supreme Court held that the continued indefinite detention of someone like Petitioner under such circumstances is unreasonable and not authorized by 8 U.S.C. § 1231(a)(6).

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. There is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future.

25. The Petitioner's continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint. The Due Process Clause of the Fifth Amendment requires that the deprivation of the Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents might have a compelling government interest in assuring Petitioner's presence at the time of deportation, that interest does not justify Petitioner's indefinite detention where he is unlikely to be deported. Because the Petitioner is not likely to be removed to Cuba, his continued indefinite detention violates substantive due process.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. There is no administrative mechanism in place for the Petitioner to obtain a decision from a neutral arbiter or appeal a custody decision that violates Martinez. See generally 8 C.F.R. § 212.12. The custody review procedures for Cubans are constitutionally insufficient both as written and as applied. A number of courts have identified a substantial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to unconstitutionally high levels. See, e.g., Phan v.

Reno, 56 F. Supp.2d 1149, 1157 (W.D. Wash. 1999) (“INS does not meaningfully and impartially review the Petitioners’ custody status.”); St. John v. McElroy, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (“Due to political and community pressure, INS, an executive agency, has every incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they may continue to pose a danger to the community.”); see also Rivera v. Demore, No. C 99-3042 TEH, 1999 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that alien release determination be made by impartial adjudicator due to agency bias).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

[Your signature]
Petitioner

[Today's date]
Date executed

[Print your name and A-Number]

[Your mailing address]

UNITED STATES DISTRICT COURT
FOR THE _____

_____,
Petitioner,
v.
_____, ATTORNEY
GENERAL;
_____,
SECRETARY OF DEPARTMENT OF
HOMELAND SECURITY;
_____, U.S. ICE
FIELD OFFICE DIRECTOR FOR THE
_____ FIELD OFFICE;
AND WARDEN OF IMMIGRATION
DETENTION FACILITY,
Respondents.

Civil Action No. _____

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, _____, hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is detained at the

Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. § 1331, as the Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the _____, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of Cuba. Petitioner was last taken into ICE custody on _____, and has remained in ICE custody continuously since that date. Petitioner was ordered removed on _____.

7. Respondent _____ is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, _____ has ultimate custodial authority over Petitioner.

8. Respondent _____ is the Secretary of the Department of Homeland Security, is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, _____ is the legal custodian of Petitioner.

9. Respondent _____ is the Field Office Director of the _____ Field Office of ICE and is Petitioner's immediate custodian. See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

10. Respondent Warden of _____, where
Petitioner is currently detained under the authority of ICE, alternatively may be
considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, _____, is a native and citizen of Cuba.
Petitioner has been in ICE custody since _____. An
Immigration Judge ordered the Petitioner removed on _____
_____.

12. Petitioner first arrived in the United States in 1980 as part of the Mariel
Boatlift. Petitioner previously resided in Cuba.

13. _____

_____.

14. _____

_____.

15. To date, however, ICE has been unable to remove Petitioner to Cuba. It is Petitioner's understanding that Cuba will deny any and all requests for travel documents as there are currently no formal diplomatic relations between Cuba and the United States, nor is there any formal or informal agreement between the two countries regarding repatriation.

16. Petitioner has cooperated fully with all efforts by ICE to remove him from the United States. _____

_____.

17. Petitioner's most recent custody review under the Cuban Review Plan, 8 C.F.R. § 212.12, took place on _____. On _____, Petitioner was served with a written decision by ICE to continue Petitioner's indefinite detention.

18. Also, on _____, the Petitioner's custody status was reviewed under the Cuban Review Plan, 8 C.F.R. § 212.12. After each review, Petitioner was informed that ICE would continue detention.

19. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. This was found to apply to

inadmissible aliens, including Mariel Cubans in Clark v. Martinez, 125 S. Ct. 716, 727 (2005).

20. Petitioner was ordered removed on _____, and the removal order became final on _____. Therefore, the six-month presumptively reasonable removal period for Petitioner ended on _____.

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted in Zadvydas. Petitioner's ninety-day statutory removal period and six-month presumptively reasonable period for continued removal efforts both have passed. Respondents are unable to remove Petitioner to Cuba because there is no repatriation agreement between the United States and Cuba, and Cuba will not accept its citizens who have been ordered removed from the United States. In Clark, the Supreme Court held that the continued indefinite detention of someone like Petitioner under such circumstances is unreasonable and not authorized by 8 U.S.C. § 1231(a)(6).

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. There is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future.

25. The Petitioner's continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint. The Due Process Clause of the Fifth Amendment requires that the deprivation of the Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents might have a compelling government interest in assuring Petitioner's presence at the time of deportation, that interest does not justify Petitioner's indefinite detention where he is unlikely to be deported. Because the Petitioner is not likely to be removed to Cuba, his continued indefinite detention violates substantive due process.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. There is no administrative mechanism in place for the Petitioner to obtain a decision from a neutral arbiter or appeal a custody decision that violates Martinez. See generally 8 C.F.R. § 212.12. The custody review procedures for Cubans are constitutionally insufficient both as written and as applied. A number of courts have identified a substantial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to unconstitutionally high levels. See, e.g., Phan v. Reno, 56 F. Supp.2d 1149, 1157 (W.D. Wash. 1999) (“INS does not meaningfully and impartially review the Petitioners’ custody status.”); St. John v. McElroy, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (“Due to political and community pressure, INS, an executive agency, has every incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they may continue to pose a danger to the community.”); see also Rivera v. Demore, No. C 99-3042 TEH, 1999 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that alien release determination be made by impartial adjudicator due to agency bias).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Petitioner

Date executed

APPENDIX B: ADDRESSES OF
ALL U.S. DISTRICT COURTS

Addresses of all U.S. District Courts
(Clerks' Offices)

Alabama

Northern District of Alabama

140 U.S. Courthouse
1729 5th Ave. North
Birmingham, AL 35203
205-278-1700

Middle District of Alabama

P.O. Box 711
One Church St. (36104)
Montgomery, AL 36101-0711
334-954-3600

Southern District of Alabama

U.S. Courthouse
113 St. Joseph St.
Mobile, AL 36602-3621
251-690-2371

Alaska

District of Alaska

Fed Bldg. & U.S. Courthouse
222 W. 7th Ave., Rm. 229
Anchorage, AK 99513-7564
907-677-6100
866-243-3814 (toll free)

Arizona

District of Arizona

130 O'Connor U.S. Courthouse
401 W. Washington St.
Phoenix, AZ 85003-2118
602-322-7200

405 W. Congress St.

Suite 1500
Tucson, AZ 85701-5010
520-205-4200

Arkansas

Eastern District of Arkansas

402 U.S. Courthouse
600 W. Capitol Ave.
Little Rock, AR 72201-3325
870-338-6321

Western District of Arkansas

South 6th Street & Rogers Avenue
P.O. Box 1525 (mailing)
Ft. Smith, AR 72902-1547
479-783-6833

California

Northern District of California

Burton U.S. Courthouse
P.O. Box 36060
450 Golden Gate Ave.
San Francisco, CA 94102-3489
415-522-2000

2112 U.S. Courthouse
280 S. First St., Room 2112
San Jose, CA 95113
408-535-5364

Federal Building and U.S. Courthouse
1301 Clay St., Ste. 400 South
Oakland, CA 94612-5212
510-637-3530

Eastern District of CA

U.S. Courthouse
501 I St., Suite 4-200
Sacramento, CA 95814-2322
916-930-4000

5000 U.S. Courthouse

1130 "O" St.
Fresno, CA 93721
559-498-7483

Central District of CA

Clerk of the U.S. District Court for the
Central District of California
U.S. Courthouse
312 N. Spring St.
Los Angeles, CA 90012
Attn: Intake/Docket Section

Southern District of CA
4290 U.S. Courthouse
880 Front St., Rm. 4290
San Diego, CA 92101-8900
619-557-5600

Colorado
District of Colorado
C-226 U.S. Courthouse
1929 Stout St.
Denver, CO 80294
303-844-3433

US Courthouse
901 19th St, A-105
Denver, CO 80294

Connecticut
District of Connecticut
450 Main St.
Hartford, CT 06103
860-240-3200

141 Church St.
New Haven, CT 06510
203-773-2140

915 Lafayette Blvd.
Bridgeport, CT 06604
203-579-5861

Delaware
District of Delaware
U.S. Courthouse (Lockbox 18)
844 King St.
Wilmington, DE 19801-3570
302-573-6170

District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., NW
Washington, DC. 20001-2802
202-354-3050

Florida
Northern District of FL
U.S. Courthouse
1 N. Palafox St.
Pensacola, FL 32502
850-435-8440

U.S. District Court
111 N. Adams St.
Tallahassee, FL 32301-7730
850-521-3501

243 Federal Bldg.
401 SE First Ave.
Gainesville, FL 32601-6805
352-380-2400

US Courthouse
30 W. Government St.
Panama City, FL 32401
850-769-4556

Middle District of FL
Sam M. Gibbons U.S. Courthouse
801 N. Florida Ave. #223
Tampa, FL 33602-3800
813-301-5400

U.S. Courthouse
300 N. Hogan St., Ste. 9-150
Jacksonville, FL 32202
904-549-1900

Young U.S. Courthouse & Fed. Bldg.
80 N. Hughey Ave. #300
Orlando, FL 32801-2278
407-835-4200

U.S. Courthouse & Fed. Bldg.
2110 First St., #2-194
Ft. Myers, FL 33901
239-461-2000

Golden-Collum Memorial
Federal Bldg. & US Courthouse
207 N.W. Second St.
Ocala, FL 34475
352-369-4860

Southern District of FL
Federal Courthouse Square
301 N. Miami Ave., Ste. 150
Miami, FL 33128
305-523-5100

299 E. Broward Blvd. Rm. 108
Ft. Lauderdale, FL 33301
954-769-5400

Rogers Fed. Bldg. & U.S. Courthouse
701 Clematis St., Rm. 402
W. Palm Beach, FL 33401
561-803-3400

300 S. Sixth St.
Ft. Pierce, FL 34950
772-595-9691

US Post Office, Customs House
and Courthouse-Key West
301 Simonton St.
Key West, FL 33040
305-295-8100

Georgia

Northern District of GA
2211 Russell Federal Building
U.S. Courthouse
75 Spring St., SW
Atlanta, GA 30303-3361
404-215-1660

Middle District of GA
U.S. Courthouse
P.O. Box 128 (31201)
475 Mulberry St., Suite 216
Macon, GA 31202
478-752-3497

C. B. King U.S. Courthouse
201 W. Broad Ave.
Albany, GA 31701
229-430-8432

115 E. Hancock Avenue
P.O. Box 1106
Athens, GA 30601
706-227-1094

120 12th Street
P.O. Box 124
Columbus, GA 31902
706-649-7816

404 N. Broad Street
Thomasville, GA 31792
229-226-3651

401 N. Patterson Street, Suite 212
P.O. Box 68
Valdosta, GA 31601
229-242-3616

Southern District of GA
P.O. Box 8286 (31412-8286)
125 Bull St., Rm. 304
Savannah, GA 31401
912-650-4020

500 E. Ford St.
P.O. Box 1130 (30903)
Augusta, GA 30901
706-849-4400

801 Gloucester St. (31520)
P.O. Box 1636
Brunswick, GA 31521
912-280-1330

Guam

District of Guam
4th Fl., U.S. Courthouse
520 West Soledad Ave.
Hagatna, Guam 96910
671-473-9100

Hawaii

District of Hawaii
C-338 U.S. Courthouse
300 Ala Moana Blvd.
Honolulu, HI 96850-0338
808-541-1300

Idaho

District of Idaho
U.S. Courthouse
550 W. Fort St., MSC 039
Boise, ID 83724
208-334-1361

U.S. Courthouse
801 E. Sherman St.
Pocatello, ID 83201
(208) 478-4123

U.S. Courthouse
220 E. 5th St. – Rm. 304
Moscow, ID 83843
(208) 882-7612

U.S. Courthouse
205 N 4th – Rm. 202
Couer d'Alene, ID 83814
(208) 664-4925

Illinois

Northern District of Illinois

Dirksen Building
219 S. Dearborn St.
Chicago, IL 60604
Attn: Prisoner Correspondent
312-435-5670

252 Federal Building
211 S. Court St.
Rockford, IL 61101
815-987-4354

Central District of IL

151 US Courthouse
600 East Monroe St.
Springfield, IL 62701
217-492-4020

309 Federal Bldg.
100 N.E. Monroe St.
Peoria, IL 61602
309-671-7117

218 U.S. Courthouse
201 S. Vine St.
Urbana, IL 61802
217-373-5830

40 U.S. Courthouse
211 19th St.
Rock Island, IL 61201
309-793-5778

Southern District of IL

Federal Courthouse
750 Missouri Ave.
P.O. Box 249 (62202)
East St. Louis, IL 62201
618-482-9371
U.S. Courthouse
301 W. Main St.
Benton, IL 62812
618-439-7760

Indiana

Northern District of IN

1108 E. Ross Adair Courthouse
1300 S. Harrison, St.
Fort Wayne, IN 46802
260-423-3000

102 Robert A. Grand Federal Building
204 S. Main St.
South Bend, IN 46601-2194
574-246-8000

214 Charles Halleck Fed. Bldg.
230 N. 4th St.
P.O. Box 1498
Lafayette, IN 47901
765-420-6250

5400 Federal Plaza
Hammond, IN 46320
219-852-6500

Southern District of IN

105 U.S. Courthouse
46 East Ohio St.
Indianapolis, IN 46204
317-229-3700

304 U.S. Courthouse
101 N.W. MLK Blvd.
Evansville, IN 47708
812-434-6410

210 Fed. Bldg.
Terre Haute, IN 47808
812-234-9484

210 U.S. Courthouse
121 W. Spring St.
New Albany, IN 47150
812-542-4510

Iowa

Northern District of IA

301 U.S. Courthouse
320 Sixth St., Rm. 300
Sioux City, IA 51101-1214
712-233-3900

P.O. Box 74710 (52407-4710)
Federal Building
101 First St. SE, Suite 313
Cedar Rapids, IA 52401-1231
319-286-2300

Southern District of Iowa

U.S. Courthouse, Rm. 200
123 E. Walnut St.
P.O. Box 9344 (50306-9344)
Des Moines, IA 50309
515-284-6248

Kansas

District of Kansas

259 Robert J. Dole U.S. Courthouse
500 State Ave.
Kansas City, KS 66101
913-551-6719

204 U.S. Courthouse
401 North Market
Wichita, KS 67202
316-269-6491

490 U.S. Courthouse
444 S.E. Quincy
Topeka, KS 66683
785-295-2610

Kentucky

Eastern District of KY

P.O. Drawer 3074
Room 206
101 Barr St.
Lexington, KY 40588-3074
859-233-2503

313 Watts Federal Bldg.
330 W. Broadway
Frankfort, KY 40601-1993
502-223-5225

300 S. Main St.

P.O. Box 5121
London, KY 40745-5121
606-877-7910

P.O. Box 1073
35 W. Fifth St.
Covington, KY 41012-1073
859-392-7925

336 Federal Bldg.
1405 Greenup Ave.
Ashland, KY 41101-2187
606-329-8652

Western District of KY

106 Snyder U.S. Courthouse
601 W. Broadway
Louisville, KY 40202
502-625-3500

127 Federal Bldg.
501 Broadway
Paducah, KY 42001
270-415-6400

126 Federal Bldg.
423 Frederica St.
Owensboro, KY 42301-3013
270-689-4400

241 E. Main St., Ste. 120
Bowling Green, KY 42101-2175
270-393-2500

Louisiana

Eastern District of LA

C-151 U.S. Courthouse
500 Poydras St.
New Orleans, LA 70130-3367
504-589-7650

Middle District of LA

Russell B. Long Fed. Bldg.
777 Florida St., Suite 139
Baton Rouge, LA 70801-1712
225-389-3500

Western District of LA
1167 U.S. Courthouse
300 Fannin St., Ste. 1167
Shreveport, LA 71101
318-676-4273

Maine

District of Maine
U.S. District Court
156 Federal St.
Portland, ME 04101
207-780-3356

Smith Federal Bldg.
P.O. Box 1007 (04402-1007)
202 Harlow St.
Bangor, ME 04401
207-945-0575

Maryland

District of Maryland
101 W. Lombard St., Rm. 4415
Baltimore, MD 21201-2691
410-962-2600

Massachusetts

District of MA
Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210
617-748-9152

Michigan

Eastern District of Michigan
Theodore Levin U.S. Courthouse
Fifth Floor
231 W. Lafayette Blvd.
Detroit, MI 48226
313-234-5005

P.O. Box 8199 (48107)
200 E. Liberty St., Rm. 120
Ann Arbor, MI 48104
734-741-2380

P.O. Box 913 (48707)
304 Post Office Bldg.
1000 Washington Ave.
Bay City, MI 48708
989-894-8800

600 Church St., Rm. 140

Flint, MI 48502
810-341-7840

Western District of Michigan

399 Federal Bldg.
110 Michigan St., NW
Grand Rapids, MI 49503-2363
616-456-2381

B-35 U.S. Courthouse & Fed. Bldg.
410 W. Michigan Ave.
Kalamazoo, MI 49007
269-337-5706

113 Federal Building
315 W. Allegan St.
Lansing, MI 48933
517-377-1559

P.O. Box 698
229 Fed. Bldg.
202 W. Washington St.
Marquette, MI 49855
906-226-2021

Minnesota

District of Minnesota
700 Burger Federal Bldg.
316 N. Robert St.
St. Paul, MN 55101
651-848-1100

Mississippi

Northern District of Mississippi
369 Federal Bldg.
911 Jackson Ave.
Oxford, MS 38655
662-234-1971

P.O. Box 704
301 W. Commerce St., #308
Aberdeen, MS 39730
662-369-4952

P.O. Box 190 (38702-0190)
329 Post Office Bldg.
305 Main St.
Greenville, MS 38701
662-335-1651

Southern District of Mississippi

316 Eastland Courthouse

245 E. Capitol St.
P.O. Box 23552 (39225-3552)
Jackson, MS 39201
601-965-4439

Missouri

Eastern District of Missouri
Eagleton U.S. Courthouse
111 South 10th St., Ste. 3300
St. Louis, MO 63102
314-244-7900

Western District of Missouri

1510 U.S. Courthouse
400 E. Ninth St.
Kansas City, MO 64106
Attn: Prisoner Pro Se Office
816-512-5000

Montana

District of Montana
Rm. 5405, Federal Bldg.
316 N. 26th St.
Billings, MT 59101
406-247-7000

Hatfield U.S. Courthouse
901 Front St.
Helena, MT 59626-0015
406-441-1355

Post Office Bldg.
P.O. Box 8537 (59807-8537)
Missoula, MT 59801
406-542-7260

Nebraska

District of Nebraska
Hruska U.S. Courthouse
111 S. 18th Plaza, Ste. 1152
Omaha, NE 68102-1322
402-661-7350
866-220-4381 (toll free)

P.O. Box 83468 (68501-3468)
593 Federal Bldg.
Lincoln, NE 68508
402-437-5225

Nevada

District of Nevada
Lloyd D. George U.S. Courthouse

333 Las Vegas Blvd. South
Las Vegas, NV 89101
702-464-5400

400 S. Virginia St., Ste. 301
Reno, NV 89501
775-686-5800

New Hampshire

District of New Hampshire
Rudman U.S. Courthouse
55 Pleasant St., Rm. 110
Concord, NH 03301
603-225-1423

New Jersey

District of New Jersey
M.L.K. Fed. Bldg. & U.S. Courthouse
50 Walnut St., Rm. 4015
P.O. Box 419
Newark, NJ 07101-0419
973-645-3730/4566

Fisher Fed. Bldg. & U.S. Courthouse
402 E. State St., Rm. 2020
Trenton, NJ 08608
609-989-2065

M.H. Cohen U.S. Courthouse
1 John F. Gerry Plaza, Rm. 1050
Fourth & Coopers Streets
P.O. Box 2797
Camden, NJ 08101-2797
856-757-5021

New Mexico

District of New Mexico
333 Lomas Blvd. NW, Ste. 270
Albuquerque, NM 87102
Attn: Pro Se Dept.
505-348-2000

New York

Northern District of New York

James F. Hanley Fed. Bldg.
100 S. Clinton St.
P.O. Box 7367
Syracuse, NY 13261-7367
Attn: Inmate Litigation Unit
315-234-8500 / 800-962-5514

Eastern District of NY

U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
718-260-2600

Long Island Fed. Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438
631-712-6000

Southern District of NY

U.S. District Court
500 Pearl St.
New York, NY 10007-1312
212-805-0136

Western District of NY

304 U.S. Courthouse
68 Court St.
Buffalo, NY 14202-3498
716-551-4211 or
716-551-5759

2120 U.S. Courthouse
100 State St.
Rochester, NY 14614-1368
585-263-6263

North Carolina

Eastern District of NC

Terry Sanford Fed. Bldg. & Courthouse
310 New Bern Ave.
Raleigh, NC 27601
919-645-1700

209 Fed. Bldg. & U.S. CtHse
201 South Evans St., Rm. 209
Greenville, NC 27858-1137
252-830-6009

Alton Lennon Fed. Bldg.
2 Princess St.
Wilmington, NC 28401
910-815-4663

Middle District of NC

P.O. Box 2708 (27402-2708)
U.S. Courthouse
324 W. Market St., Ste. 401
Greensboro, NC 27401
336-332-6000

Western District of NC

Charles Jonas Federal Bldg.
401 W. Trade St., Rm. 212
Charlotte, NC 28202
704-350-7400

309 U.S. Courthouse
100 Otis St.
Asheville, NC 28801-2611
828-771-7200

North Dakota

District of North Dakota

220 E. Rosser Ave., Rm. 476
P.O. Box 1193
Bismarck, ND 58502-1193
701-530-2300

Quentin Burdick U.S. CtHse
655 1st Ave., N., Ste. 130
Fargo, ND 58102-4932
701-297-7000

Northern Mariana Islands

District of N. Mariana Islands

Horiguchi Bldg., 2nd Fl.
Beach Rd., Garapan
P.O. Box 500687
Saipan, MP 96950-0687 USA
670-236-2902

Ohio

Northern District of Ohio

Carl B. Stokes U.S. Courthouse
801 W. Superior Ave.
Cleveland, OH 44113-1830
216-357-7000

114 U.S. Courthouse

1716 Spielbusch Ave.
Toledo, OH 43624-1363
419-259-6412

337 Fed. Bldg. & U.S. Courthouse
125 Market St.
Youngstown, OH 44503-1780
330-746-1906

568 U.S. Courthouse & Fed. Bldg.
Two South Main St.
Akron, OH 44308-1813
330-375-5705

Southern District of Ohio
324 Potter Stewart U.S. Courthouse
100 E. Fifth St., Rm. 103
Cincinnati, OH 45202
513-564-7500

Joseph P. Kinneary U.S. Courthouse
85 Marconi Blvd., Rm. 260
Columbus, OH 43215
614-719-3000

Federal Bldg.
200 W. Second St., Rm. 712
Dayton, OH 45402
937-512-1400

Oklahoma
Northern District of OK
U.S. Courthouse
333 West Fourth St., Rm. 4-411
Tulsa, OK 74103-3819
918-699-4700

Eastern District of OK
P.O. Box 607 (74402-0607)
U.S. Courthouse
101 N. 5th St., Rm. 210
Muskogee, OK 74401
918-684-7920

Western District of OK
1210 U.S. Courthouse
200 N.W. 4th St., Rm. 1210
Oklahoma City, OK 73102-3092
405-609-5000

Oregon

District of Oregon
740 U.S. Courthouse
1000 SW Third Ave.
Portland, OR 97204-2902
503-326-8008

100 Federal Bldg.
211 E. Seventh Ave.
Eugene, OR 97401
541-465-6423

James A. Redden U.S. Courthouse
310 W. 6th, Room 201
Medford, OR 97501

Pennsylvania
Eastern District of PA
2609 U.S. Courthouse
601 Market St.
Philadelphia, PA 19106-1797
215-597-7704

Middle District of PA
Nealon Fed. Bldg. & U.S. Courthouse
235 N. Washington Ave.
P.O. Box 1148
Scranton, PA 18501
570-207-5680

U.S. CtHse & Fed. Bldg.
228 Walnut St.
P.O. Box 983
Harrisburg, PA 17108-0983
717-221-3950

P.O. & Fed. Bldg.
240 W. Third Street, Ste. 218
Williamsport, PA 17701-0608
570-323-6380

Western District of PA
829 U.S. Post Office and Courthouse
7th Ave. & Grant St.
Pittsburgh, PA 15219
412-208-7500

P.O. Box 1820
Erie, PA 16507-0820
814-464-9600

208 Penn Traffic Bldg.
319 Washington St.

Johnstown, PA 15901
814-533-4504

Puerto Rico

District of Puerto Rico
150 Degetau Fed. Bldg.
Carlos Chardon Ave., Rm. 150
San Juan, PR 00918-1767
787-772-3011

Rhode Island

District of Rhode Island
Pastore Federal Bldg. & Courthouse
One Exchange Terrace
Providence, RI 02903
401-752-7200

South Carolina

District of South Carolina
Matthew J. Perry U.S. Courthouse
901 Richland St.
Columbia, SC 29201-2431
803-765-5816

Hollings Judicial Center
85 Broad St.
P.O. Box 835 (29402)
Charleston, SC 29401
843-579-1401

Haynsworth Federal Bldg.
300 E. Washington St.
Room 239
P.O. Box 10768 (29603)
Greenville, SC 29601
864-241-2700

McMillan Federal Bldg.
400 W. Evans St.
P.O. Box 2317 (29503)
Florence, SC 29501
843-676-3820

South Dakota

District of South Dakota
128 U.S. Courthouse
400 South Phillips Ave.
Sioux Falls, SD 57104-6851
605-330-4447

302 Fed. Bldg. & U.S. Courthouse
515 9th St.
P.O. Box 6080 (57709-6080)
Rapid City, SD 57701
605-342-3066

U.S. Post Office & Courthouse
225 S. Pierre St.
Pierre, SD 57501
605-224-5849

Tennessee

Eastern District of Tennessee
Baker U.S. Courthouse
800 Market St., Ste. 130
Knoxville, TN 37902
865-545-4228

309 Federal Bldg.
900 Georgia Ave.
P.O. Box 591 (37401)
Chattanooga, TN 37402
423-752-5200

U.S. Courthouse
220 W. Depot St., Ste. 200
Greeneville, TN 37743
423-639-3105

200 South Jefferson Street
Room 201, U.S. Courthouse
Winchester, TN 37398
931- 967-1444

Middle District of Tennessee

800 U.S. Courthouse
801 Broadway
Nashville, TN 37203-3869
615-736-5498

Western District of Tennessee

242 Federal Bldg.
167 N. Main St.
Memphis, TN 38103
901-495-1200

Federal Bldg.
111 S. Highland Ave., Rm. 262
Jackson, TN 38301
731-421-9200

Texas

Northern District of Texas

Cabell Federal Bldg.
1100 Commerce St., Rm. 1452
Dallas, TX 75242-1003
214-753-2200

P.O. Box F-13240 (79189-3240)
205 E. Fifth St., #133
Amarillo, TX 79101-1559
806-324-2352

501 W. 10th St., Rm. 3673
Fort Worth, TX 76102-3643
817-850-6600

Fed. Bldg. & U.S. Courthouse
1205 Texas Ave., Rm. 209
Lubbock, TX 79401-4091
806-472-7624

Eastern District of Texas

106 Federal Bldg.
211 W. Ferguson
Tyler, TX 75702
903-590-1000

Federal Bldg.
101 E. Pecan St., Rm. 112
Sherman, TX 75090
903-892-2921

301 U.S. Courthouse & P.O. Bldg.
500 N. Stateline Ave.
Texarkana, TX 75501
903-794-8561

104 Brooks Federal Bldg.
300 Willow St.
Beaumont, TX 77701
409-654-7000

Federal Courthouse
104 N. Third St.
Lufkin, TX 75901
936-632-2739

300 Willow St.
Beaumont, TX 77701
409-654-7000

Southern District of Texas

P.O. Box 61010 (77208-1010)
5401 Casey U. S. Courthouse
515 Rusk Ave.
Houston, TX 77002
713-250-5500

600 E. Harrison St., Ste. 1158
Brownsville, TX 78520
956-548-2500

1133 N. Shoreline Blvd., Rm. 208
Corpus Christi, TX 78401-2349
361-888-3142

P.O. Box 2300 (77553-2300)
411 Post Office Bldg.
Galveston, TX 77550-5507
409-766-3530

P.O. Box 597 (78040-0597)
319 Federal Bldg.
1300 Matamoros St.
Laredo, TX 78042
956-723-354

P.O. Box 5059 (78502-5059)
1011 TX Commerce Bank Twr.
1701 W. Business Hwy. 83
McAllen, TX 78501-5178
956-618-8065

Western District of Texas

G-65 U.S. Courthouse
655 E. Durango Blvd.
San Antonio, TX 78206-1198
210-472-6550

130 U.S. Courthouse
200 W. Eighth St.
Austin, TX 78701
512-916-5896

219 U.S. Courthouse
511 E. San Antonio St.
El Paso, TX 79901-2401
915-534-6725

U.S. Courthouse
800 Franklin Ave., Rm. 380
Waco, TX 76701
254-750-1501

107 U.S. Courthouse
200 East Wall St.
Midland, TX 79701
432-686-40001

Utah

District of Utah

150 U.S. Courthouse
350 South Main St.
Salt Lake City, UT 84101-2180
801-524-6100

Vermont

District of Vermont

506 Federal Bldg.
11 Elmwood Ave.
P.O. Box 945
Burlington, VT 05402
802-951-6301

P.O. Box 998 (05302-0998)
206 Federal Bldg.
204 Main St.
Brattleboro, VT 05302
802-254-0250

P.O. Box 607 (05702-0607)
151 West St., Rm. 204
Rutland, VT 05701
802-773-0245

Virgin Islands

District of the Virgin Islands

310 Federal Bldg.
5500 Veterans Dr.
Charlotte Amalie
St. Thomas, VI 00802-6424
340-774-0640

219 Almeric L. Christian Fed. Bldg.
& U.S. Courthouse
3013 Est. Golden Rock
C'sted, St. Croix 00820-4355
340-773-1130

Virginia

Eastern District of Virginia

401 Courthouse Sq.
Alexandria, VA 22314-5798
703-299-2100

193 U.S. Courthouse
600 Granby St.
Norfolk, VA 23510-1811
757-222-7201

307 Powell U.S. Courthouse
1000 E. Main St., Suite 307
Richmond, VA 23219-3525
804-916-2220

U.S. Post Office & Courthouse Bldg.
101 25th St.
P.O. Box 494
Newport News, VA 23607
757-247-0784

Western District of Virginia

P.O. Box 1234 (24006-1234)
Poff Federal Bldg., Rm. 308
210 Franklin Rd., SW
Roanoke, VA 24011
540-857-5100

U.S. Courthouse & P.O. Bldg.
180 W. Main St., Rm. 104
P.O. Box 398 (24212-0398)
Abingdon, VA 24210
276-628-5116

304 U.S. Courthouse
255 W. Main St.
Charlottesville, VA 22902
434-296-9284

202 U.S. Courthouse & P.O. Bldg.
P.O. Box 1400 (24543)
700 Main St., Rm. 202
Danville, VA 24541
434-793-7147

U.S. Courthouse & P.O. Bldg.
1100 Court St., Rm. A66 (24504)
P.O. Box 744
Lynchburg, VA 24505-0744
434-847-5722

322 E. Wood Ave., Rm. 204 (24219)
P.O. Box 490
Big Stone Gap, VA 24219
276-523-3557

116 N. Main St., Rm. 314
Harrisonburg, VA 22802
540-434-3181

Washington

Eastern District of WA

Foley U.S. Courthouse
W. 920 Riverside Ave., 8th Fl., Rm. 840
P.O. Box 1493 (99210-1493)
Spokane, WA 99201
509-353-2150

P.O. Box 2706 (98907-2706)
25 S. Third St.
Yakima, WA 98901
509-575-5838

825 Jadwin Ave., Rm. 174
Richland, WA 99352-1386
509-376-7262

Western District of WA

700 Stewart St.
Seattle, WA 98104-1125
206-370-8400

P.O. Box 1526

3100 Union Station Bldg.
1717 Pacific Ave.
Tacoma, WA 98402-3226
253-593-6313

West Virginia

Northern District of WV

300 Third St.
P.O. Box 1518
Elkins, WV 26241-1518
304-636-1445

500 West Pike St., Rm. 301
P.O. Box 2857
Clarksburg, WV 26302
304-622-8513

217 W. King St., Rm. 102
Martinsburg, WV 25401
304-267-8225

207 Federal Bldg.
1125 Chapline Streets
P.O. Box 471
Wheeling, WV 26003
304-232-0011

Southern District of WV

2400 Robert Byrd U.S. CtHse
300 Virginia St., East
P.O. Box 2546 (25329-2546)
Charleston, WV 25301
304-347-3000

U.S. Courthouse & IRS Complex
P.O. Drawer 5009
110 N. Heber St., Rm. 119
Beckley, WV 25801
304-253-7481

101 Federal Bldg.
845 Fifth Ave.
P.O. Box 1570 (25716)
Huntington, WV 25701
304-529-5588

P.O. Box 4128 (24701)
601 Federal St., Rm. 2303
Bluefield, WV 24701
304-327-9798

425 Juliana St., Rm. 5102
Parkersburg, WV 26102
304-420-6490

Wisconsin

Eastern District of Wisconsin

362 U.S. Courthouse
517 East Wisconsin Ave.
Milwaukee, WI 53202
414-297-3372

125 S. Jefferson St.
P.O. Box 22490
Green Bay, WI 54305-2490
920-884-3720

Western District of Wisconsin

120 N. Henry St., Rm. 320
P.O. Box 432
Madison, WI 53701-0432
608-264-5156

Wyoming

District of Wyoming

2120 Capitol Ave., Rm. 2141, 2nd Fl.
Cheyenne, WY 82001-3658
307-433-2620

121 U.S. Courthouse
111 S. Wolcott
Casper, WY 82601
307-232-2620

APPENDIX C: RESOURCES

Resource List 1: Federal Public Defenders Offices

Resource List 2: Organizations Assisting Detained Immigrants

Resource List 1: Federal Public Defenders Offices

ALASKA (9th Circuit)

F. Richard Curtner, III
Federal Public Defender
550 West 7th Avenue, Room 1600
Anchorage, Alaska 99501
(907) 646-3400; FAX: (907) 646-3480

ARIZONA (9th Circuit)

Jon Sands
Federal Public Defender
Congress Plaza, 407 W. Congress Street
Tucson, Arizona 85701-1355
(520) 879-7500; FAX: (520) 879-7600

Branch:

Federal Public Defender
850 W. Adams St., Ste. 201
Phoenix, Arizona 85007
(602) 382-2700; FAX: (602) 382-2800

ARKANSAS (Eastern and Western) (8th Circuit)

Jennifer Morris Horan
Federal Public Defender
The Victory Building, Ste. 490
1401 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 324-6113; FAX: (501) 324-6128

Branch:

Mailing Address

Federal Public Defender
P.O. Box 3686
Fayetteville, Arkansas 72702

Office Location

38 Trenton Boulevard, Suite 101
Fayetteville, Arkansas 72701
(501) 442-2306; Fax: (501) 443-1904

CALIFORNIA (9th Circuit)

Northern

Barry J. Portman
Federal Public Defender
U.S. Courthouse
450 Golden Gate Avenue
P.O. Box 36106
San Francisco, California 94102-3567
(415) 436-7700; FAX: (415) 436-7706

Branches:

Federal Public Defender
Suite 575
160 West Santa Clara Street
San Jose, California 95113
(408) 291-7753; FAX: (408) 291-7399

Federal Public Defender
6th Floor, Ste. 650
555-12th Street
Oakland, California 94607-3627
(510) 637-3500; FAX: (510) 637-3507

Eastern

Quin A. Denvir
Federal Public Defender
Eastern District of California
801 I Street, 3rd Floor
Sacramento, California 95814-2510
(916) 498-5700; FAX: (916) 498-5710

Branch:

Federal Public Defender
2300 Tulare Street Suite 330
Fresno, California 93721
(559) 487-5561; FAX: (559) 487-5950

Central

Maria Elena Stratton
Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4206
(213) 894-2854; FAX: (213) 894-0081

Branches:

Federal Public Defender
Ronald Reagan Federal Building
and United States Courthouse
411 West Fourth Street
Santa Ana, California 92701
(714) 338-4500; FAX: (714) 338-4520

Federal Public Defender
P.O. Box 13000
Riverside, California 92502
(909) 276-6346; FAX: (909) 276-6368

COLORADO & WYOMING (10th Circuit)

Raymond P. Moore
Federal Public Defender
633-17th Street Suite 1000
Denver, Colorado 80202
(303) 294-7002; FAX: (303) 294-1192

COLORADO & WYOMING (10th Circuit)
(CONTINUED)

Branch:
Federal Public Defender
320 W.25th Street
Cheyenne, WY 82001
(307) 772-2781; FAX: (307) 772-2788

CONNECTICUT (2d Circuit)

Thomas G. Dennis
Federal Public Defender
10 Columbus Blvd. Floor 6
Hartford, Connecticut 06106-1976
(860) 493-6260; FAX: (860) 493-6269

Branch:
Federal Public Defender
2 Whitney Avenue, Suite 300
New Haven, Connecticut 06510
(203) 498-4200; FAX: (203) 498-4207

DELAWARE (3rd Circuit)

Penny Marshall
Federal Public Defender
Office of Federal Public Defender
704 King Street, Suite 110
Wilmington, Delaware 19801
(302) 573-6010; FAX: (302) 573-6041

DISTRICT OF COLUMBIA

A. J. Kramer
Federal Public Defender
625 Indiana Avenue, NW, Suite 550
Washington, D.C. 20004
(202) 208-7500; FAX: (202) 208-7515

FLORIDA (11th Circuit)

Northern

Randolph P. Murrell
Federal Public Defender
227 N. Bronough Street, Suite 4200
Tallahassee, Florida 32301
(850) 942-8818; FAX: (850) 942-8809

Branches:

Federal Public Defender
3 West Garden Street, Ste. 200
Pensacola, Florida 32502-5654
(850) 432-1418; FAX: (850) 434-3855

Federal Public Defender
101 SE Second Place, Suite 112
Gainesville, Florida 32601
(352) 373-5823; FAX: (352) 373-7644

Middle

R. Fletcher Peacock
Federal Public Defender
Regions Plaza, Suite 300
201 South Orange Avenue
Orlando, Florida 32801
(407) 648-6338; FAX: (407) 648-6095

Branches:

Federal Public Defender
Sun Bank Building, Suite 1240
200 West Forsyth Street
Jacksonville, Florida 32202-4236
(904) 232-3039; FAX: (904) 232-1937

Federal Public Defender
Park Tower, Suite 2700
400 N. Tampa Street
Tampa, Florida 33602
(813) 228-2715; FAX: (813) 228-2562

Federal Public Defender
2110 First Street, Room 2-146
Fort Myers, Florida 33901-3019
(239) 461-2020; FAX: (239) 461-2025

Federal Public Defender
201 S.W. 2nd Street, Suite 102
Ocala, Florida 34474
(352) 351-9157; FAX: (352) 351-9162

Southern

Kathleen M. Williams
Federal Public Defender
Museum Tower Building
150 West Flagler Street, Suite 1500
Miami, Florida 33130-1555
(305) 536-6900; FAX: (305) 530-7120

Satellite:

Federal Public Defender
Museum Tower Building
150 West Flagler Street, Suite 1700
Miami, Florida 33130
(305) 530-7000; FAX: (305) 536-4559

Branches:

Federal Public Defender
South Trust Tower Building
Suite 1100
One East Broward Boulevard
Ft. Lauderdale, FL 33301
(954) 356-7436; FAX: (954) 356-7556

Federal Public Defender
Suite 300
400 Australian Ave. North
West Palm Beach, Florida 33401
(561) 833-6288; FAX: (561) 833-0368

Federal Public Defender
200 S. Indian River Drive, Suite 207
Ft. Pierce, FL 34950
(561) 461-9435; FAX: (561) 461-9474

GUAM (9th Circuit)

John T. Gorman
Federal Public Defender
First Hawaiian Bank Bldg, Suite 501
400 Route 8
Mong Mong, Guam 96910
(671) 472-7111; FAX: (671) 472-7120

HAWAII (9th Circuit)

Peter C. Wolff, Jr.
Federal Public Defender
Prince Kuhio Federal Building
300 Ala Moana Blvd., Suite 7102
Honolulu, Hawaii 96850
(808) 541-2521; FAX: (808) 541-3545

ILLINOIS (7th Circuit)

Southern

Phillip Kavanaugh
Federal Public Defender
P.O. Box 159
East St. Louis, Illinois 62202

Office Location:

650 Missouri Avenue, Suite G10-A
East St. Louis, Illinois 62202
(618) 482-9050; FAX: (618) 482-9057

Branch:

Federal Public Defender
112 North Duquoin
P.O. Box 1075
Benton, Illinois 62812
(618) 435-2552

Central

Richard H. Parsons
Federal Public Defender
401 Main Street, Suite 1500
Peoria, Illinois 61602
(309) 671-7891; FAX: (309) 671-7898

Branch:

Federal Public Defender
600 East Adams Street, 2nd Floor
Springfield, Illinois 62701
(217) 492-5070; FAX: (217) 492-5077

Federal Public Defender
300 West Main St.
Urbana, Illinois 61801
(217) 373-0666; FAX: (217) 373-0667

IOWA (Southern and Northern) (8th Circuit)

Nicholas Drees
Federal Public Defender
Capital Square, Suite 340
400 Locust Street
Des Moines, Iowa 50309-2360
(515) 309-9610; FAX: (515) 309-9625

Branch:

Federal Public Defender
Armstrong Center, Suite 501
222 3rd Avenue, SE
Cedar Rapids, Iowa 52401
(319) 363-9540; FAX: (319) 363-9542

Federal Public Defender
Federal Courthouse, Room 202
701 Pierce St., Ste. 400
Sioux City, Iowa 51101
(712) 252-4158; FAX: (712) 252-4194

Federal Public Defender
Federal Courthouse, Room 384
101 W. 2nd St., Ste. 401
Davenport, Iowa 52801
(563) 322-8931; FAX: (563) 383-0052

KANSAS (10th Circuit)

David J. Phillips
Federal Public Defender
U.S. Courthouse, Suite 201
500 State Avenue
Kansas City, Kansas 66101
(913) 551-6712; FAX: (913) 551-6562

Branches:

Federal Public Defender
Epic Center, Suite 850
301 North Main
Wichita, Kansas 67202
(316) 269-6445; FAX: (316) 269-6175

Federal Public Defender
424 South Kansas, Room 200
Topeka, Kansas 66603-3439
(785) 232-9828; FAX: (785) 232-9886

LOUISIANA (5th Circuit)

Eastern

Virginia L. Schlueter
Federal Public Defender
Hale Boggs Building
500 Poydras Street, Suite 318
New Orleans, Louisiana 70130
(504) 589-7930; (800) 296-4046
FAX: (504) 589-2556

Middle & Western

Rebecca L. Hudsmith
Federal Public Defender
Suite 816
102 Versailles Boulevard
Lafayette, Louisiana 70501
(337) 262-6336; FAX: (337) 262-6605

Branches:

Federal Public Defender
300 Fannin, Suite 2199
Shreveport, Louisiana 71101-6300
(318) 676-3310; FAX: (318) 676-3313

Federal Public Defender
707 Florida Street, #303
Baton Rouge, Louisiana 70801
(225) 382-2118; FAX: (225) 382-2119

MARYLAND (4th Circuit)

James Wyda
Federal Public Defender Northern Division
Tower II, Suite 1100
100 South Charles Street
Baltimore, Maryland 21201-2705
(410) 962-3962; FAX: (410) 962-0872

Branch:

Federal Public Defender
Southern Division
6411 Ivy Lane, Suite 710
Greenbelt, Maryland 20770-4510
(301) 344-0600; FAX: (301) 344-0019

MASSACHUSETTS.

NEW HAMPSHIRE & RHODE ISLAND

(1st Circuit)

Owen S. Walker
Federal Public Defender
408 Atlantic Avenue, 3rd Floor
Boston, Massachusetts 02110
(617) 223-8061; FAX: (617) 223-8080

Branch:

Federal Public Defender
The Ralph Pill Building
22 Bridge Street
Concord, New Hampshire 03301
(603) 226-7360; FAX: (603) 226-7358

Federal Public Defender
10 Weybosset St., Ste. 300
Providence, RI 02903
(401) 528-4281; FAX: (401) 528-4285

MICHIGAN (Western) (6th Circuit)

Raymond S. Kent
Federal Public Defender
Trade Center Building, Suite 500
50 Louis NW
Grand Rapids, Michigan 49503-2633
(616) 742-7420; FAX: (616) 742-7430

MINNESOTA (8th Circuit)

Daniel M. Scott
Federal Public Defender
U.S. Courthouse, Suite 107
300 South Fourth Street
Minneapolis, Minnesota 55415
(612) 664-5858; FAX: (612) 664-5850

MISSISSIPPI (Southern) (5th Circuit)

S. Dennis Joiner
Federal Public Defender
200 South Lamar St., Ste. 100-S
Jackson, MS 39201
(601) 948-4284; FAX: (601) 948-5510

Branch:

Federal Public Defender
2510 14th St., Ste. 102
One Hancock Plaza
Gulfport, MS 39501
(228) 868-3045; FAX: (228) 868-3294

MISSOURI (8th Circuit)

Western

Raymond C. Conrad
Federal Public Defender
Scarritt Building
818 Grand Boulevard, Suite 300
Kansas City, Missouri 64106
(816) 471-8282; FAX: (816) 471-8008

Branch:

Federal Public Defender
901 St. Louis Street, Ste. 801
Springfield, MO 65806
(417) 873-9022; FAX: (417) 873-9038

Eastern

Norman S. London
Federal Public Defender
1010 Market Street, Suite 200
St. Louis, Missouri 63101
(314) 241-1255; FAX: (314) 421-3177

Branch:

Federal Public Defender
440 Broadway, P.O. Box 2043
Cape Girardeau, Missouri 63702-2043
(573) 339-0242; FAX: (573) 339-0305

NEBRASKA (8th Circuit)

David R. Stickman
Federal Public Defender
222 S. 15th St., #300N
Omaha, Nebraska 68102
(402) 221-7896; FAX: (402) 221-7884

Branch:

Federal Public Defender
112 Robert V. Denney Federal Building
100 Centennial Mall North
Lincoln, Nebraska 68508
(402) 437-5871; FAX: (402) 437-5874

NEVADA (9th Circuit)

Franny A. Forsman
Federal Public Defender
Phoenix Bldg., Suite 700
330 South 3rd Street
Las Vegas, Nevada 89101
(702) 388-6577; FAX: (702) 388-6261

Branch:

Federal Public Defender
Room 301
210 W. Liberty Street, Suite 102
Reno, Nevada 89501-2405
(702) 784-5626; FAX: (702) 784-5022

NEW JERSEY (3rd Circuit)

Richard Coughlin
Federal Public Defender
972 Broad Street, Second Floor
Newark, New Jersey 07102
(973) 645-6347; FAX: (973) 645-3101

Branches:

Federal Public Defender
Station Plaza #4, 4th Floor
22 South Clinton Avenue
Trenton, New Jersey 08609
(856) 989-2160; FAX: (856) 989-2153

Branches cont.:

Federal Public Defender
800 Cooper Street, Suite 350
Camden, New Jersey 08102
(856) 757-5341; FAX: (856) 757-5273

NEW MEXICO (10th Circuit)

Stephen P. McCue
Federal Public Defender
First State Bank Building
111 Lomas Boulevard NW, Suite 501
Albuquerque, New Mexico 87102
(505) 346-2489; FAX: (505) 346-2494

Branch:

Federal Public Defender
500 S. Main, Ste. 600
Las Cruces, New Mexico 88001
(505) 527-6930; FAX: (505) 527-6933

NEW YORK (2nd Circuit)

Western

Joseph B. Mistrett
Federal Public Defender
28 East Main Street, Ste. 400
First Federal Plaza
Rochester, New York 14614
(585) 263-6201; FAX: (585) 263-5871

Branch:

Federal Public Defender
Suite 450
300 Pearl Street
Buffalo, New York 14202
(716) 551-3341; FAX: (716) 551-3346

NEW YORK (Northern) & VERMONT
(2nd Circuit)

Alexander Bunin
Federal Public Defender
39 North Pearl Street, 5th Floor
Albany, New York 12207
(518) 436-1850; FAX (518) 436-1780

Branch:

Federal Public Defender
4 Clinton Exchange, 3rd Floor
Syracuse, New York 13202
(315) 701-0080; FAX: (315) 701-0081

Federal Public Defender
110 Cherry Street, 2nd Floor
Burlington, Vermont 05401
(802) 862-6990; FAX: (802) 862-7836

NORTH CAROLINA (4th Circuit)

Eastern

Thomas P. McNamara
Federal Public Defender
P.O. Box 25967
Raleigh, North Carolina 27611-5967

Office Location:

First Union Building
150 Fayetteville Street Mall, Suite 450
Raleigh, North Carolina 27601-2919
(919) 856-4236; FAX: (919) 856-4477

Branch:

Federal Public Defender
225 Green Street
Suite 1002, Wachovia Building
P.O. Box 690
Fayetteville, North Carolina 28302-0690
(910) 484-0179; FAX: (910) 484-0170

Federal Public Defender
Greenville Federal Courthouse
P.O. Box 8005
Greenville, North Carolina 27835-8005
(252) 830-2232 FAX: (252) 830-2232

Middle

Louis C. Allen, III
Federal Public Defender
101 South Elm Street, Suite 210
Greensboro, North Carolina 27401
(336) 333-5455; FAX: (336) 333-5463

OHIO (6th Circuit)

Northern

Michael G. Dane
Federal Public Defender
Skylight Office Tower, Suite 750
1660 West 2nd Street
Cleveland, Ohio 44113
(216) 522-4856; FAX: (216) 522-4321

Branch:

Federal Public Defender
U.S. Courthouse & Federal Building
2 South Main Street, B3-56
Akron, Ohio 44308
(330) 375-5739; FAX: (330) 375-5738

Southern

Steven R. Keller
Federal Public Defender
One Columbus
10 West Broad Street, Suite 1020
Columbus, Ohio 43215-3419
(614) 469-2999; FAX: (614) 469-5999

Branches:

Federal Public Defender
2000 CBLD Center
36 East Seventh Street
Cincinnati, Ohio 45202
(513) 929-4834; FAX: (513) 929-4842

Federal Public Defender
130 W. 2nd Street, Suite 820
Dayton, Ohio 45402
(937) 225-7687; FAX: (937) 225-7688

OKLAHOMA (10th Circuit)

Western

Susan M. Otto
Federal Public Defender
Old Post Office Building
215 Dean A. McGee Avenue, Suite 524
Oklahoma City, Oklahoma 73102
(405) 609-5930; FAX: (405) 609-5932

Northern and Eastern

Paul D. Brunton
Federal Public Defender
Williams Tower 1, Suite 1225
One West Third Street
Tulsa, Oklahoma 74103-3532
(918) 581-7656; FAX: (918) 581-7630

OREGON (9th Circuit)

Steven T. Wax
Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
(503) 326-2123; FAX: (503) 326-5524

Branch:

Federal Public Defender
151 West 7th, Suite 510
Eugene, Oregon 97401
(541) 465-6937; FAX: (541) 465-6975

Federal Public Defender
15 Newtown Street
Medford, Oregon 97501
(541) 776-3630; FAX: (541) 776-3624

PENNSYLVANIA (3rd Circuit)

Western

Lisa B. Freeland
Federal Public Defender
1450 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222-3716
(412) 644-6565; FAX: (412) 644-4594

Branch:

Federal Public Defender
1111 Renaissance Centre
1001 State Street
Erie, PA 16501
(814) 455-8089; FAX: (814) 455-8624

Middle

James V. Wade
Federal Public Defender
100 Chestnut Street - Suite 306
Harrisburg, Pennsylvania 17101-2540
(717) 782-2237; FAX: (717) 782-3881

Branches:

Federal Public Defender
Kane Professional Building, Suite 2C
116 North Washington Avenue
Scranton, Pennsylvania 18503
(570) 343-6285; FAX: (570) 343-6225

Federal Public Defender
One Executive Plaza, Suite 302
330 Pine Street
Williamsport, Pennsylvania 17701
(570) 323-9314; FAX: (570) 323-9836

Capital Habeas Unit
100 Chestnut Street, Ste. 306
Harrisburg, PA 17101
(717) 782-3843; FAX (717) 782-3966

PUERTO RICO (1st Circuit)

Joseph C. Laws, Jr.
Federal Public Defender
241 F. D. Roosevelt Avenue
San Juan, Puerto Rico 00918-2114
(787) 281-4922; FAX: (787) 281-4899
fpdo@coqui.net

SOUTH CAROLINA (4th Circuit)

Parks N. Small
Federal Public Defender
Southern National Bank Building
1901 Assembly Street, Suite 200
Columbia, South Carolina 29201
(803) 765-5070; FAX: (803) 765-5084

Branches:

Federal Public Defender
145 King St., Ste. 325
Charleston, South Carolina 29401
(843) 727-4148; FAX: (843) 727-4179

Federal Public Defender
501 McBee Building, Suite 202
Greenville, South Carolina 29601
(864) 235-8714; FAX: (864) 235-2418

Federal Public Defender
P.O. Box 1873 (29503-1873)
401 West Evans Street - Room 221
Florence, South Carolina 29501
(843) 662-1510; FAX: (843) 667-1355

SOUTH DAKOTA (8th Circuit)

Jeffrey L. Viken
Federal Public Defender
703 Main Street
Rapid City, South Dakota 57701-2758
(605) 343-5110; FAX (605) 343-1498

Branches:

Federal Public Defender
124 South Euclid Suite 202
Pierre, South Dakota 57501
(605) 224-0009; FAX: (605) 224-0010

Federal Public Defender
221 South Phillips Avenue Suite 202
Sioux Falls, South Dakota 57104
(605) 330-4489; FAX: (605) 330-4499

TENNESSEE (6th Circuit)

Middle

Henry Alan Martin
Federal Public Defender
810 Broadway, Suite 200
Nashville, Tennessee 37203
(615) 736-5047; FAX: (615) 736-5265

Western

Stephen B. Shankman
Federal Public Defender
200 Jefferson Avenue, Suite 200
Memphis, Tennessee 38103
(901) 544-3895; FAX: (901) 544-4355

TEXAS (5th Circuit)

Northern

Ira R. Kirkendoll
Federal Public Defender
U.S. Federal Building
525 Griffin Street, Suite 629
Dallas, Texas 75202
(214) 767-2746; FAX: (214) 767-2886

Branches:

Federal Public Defender
819 Taylor Street, Room 9A10
Fort Worth, TX 76102
(817) 978-2753; Fax: (817)978-2757

Federal Public Defender
1205 Texas Avenue, Room 506
Lubbock, Texas 79401
(806) 472-7236; FAX: (806) 472-7241

Federal Public Defender
Amarillo National Bank, Plaza Two
500 South Taylor, Suite 110
Amarillo, Texas 79101
(806) 324-2370; FAX: (806) 324-2372

Southern

Marjorie A. Meyers
Federal Public Defender
Post Office Box 61508
Houston, Texas 77208-1508
(713) 718-4600; FAX: (713) 718-4610

Office Location:

Lyric Office Center
440 Louisiana Street, Suite 310
Houston, Texas 77002-1634

Branches:

Mailing Address

Federal Public Defender
Post Office Box 2163
Brownsville, Texas 78522-2163

Office Location

Federal Public Defender
U.S. Federal Building & Courthouse
600 E. Harrison, Room 102
Brownsville, Texas 78520-7114
(956) 548-2573; FAX: (956) 548-2674

Mailing Address

Federal Public Defender
Post Office Box 23011
Corpus Christi, Texas 78403-3011

Office Location

Federal Public Defender
Wilson Plaza, Suite 401
606 N. Carancahua
Corpus Christi, Texas 78476-0401
(361) 888-3532; FAX: (361) 888-3534

Mailing Address

Federal Public Defender
Post Office Box 1562
Laredo, Texas 78042-1562

Office Location

Federal Public Defender
1501 Matamoros Street
Laredo, TX 78040-4912
(956) 753-5313; FAX: (956) 753-5317

Federal Public Defender
1701 Bentsen Tower
W. Business Hwy. 83, Suite 405
McAllen, Texas 78501-5159
(956) 630-2995; FAX: (956) 631-8647

Western

Lucien B. Campbell
Federal Public Defender
Federal Building - Hemisfair Park
727 East Durango Blvd., B-207
San Antonio, Texas 78206-1278
(210) 472-6700; FAX: (210) 472-4454

Branches:

Federal Public Defender
Federal Building, 700 East San Antonio,
D-401
El Paso, Texas 79901-7001
(915) 534-6525; FAX: (915) 534-6534

Federal Public Defender
Federal Building, Suite A-215
2400 Veterans Blvd., Suite 21-B
Del Rio, Texas 78840-3136
(830) 703-2040; FAX: (830) 703-2047

Federal Public Defender
800 Brazos, Suite 490
Austin, Texas 78701
(512) 916-5025; FAX: (512) 916-5035

Federal Public Defender
712 West Holland Avenue
Alpine, Texas 79830-5020
(432) 837-5598; FAX: (432) 837-9023

Eastern

G. Patrick Black
Federal Public Defender
200 East Ferguson, Suite 407
Tyler, Texas 75702
(903) 531-9233; FAX: (903) 531-9625

Branch:

Federal Public Defender
350 Magnolia, Suite 117
Beaumont, Texas 77701
(409) 839-2608; FAX: (409) 839-2610

Federal Public Defender
1800 Teague Drive, Ste. 204
Sherman, Texas 75090
(903) 892-4448; FAX: (903) 892-4808

UTAH (10th Circuit)

Steven B. Killpack
Federal Public Defender
American Towers, Suite-110
46 West Broadway
Salt Lake City, Utah 84101
(801) 524-4010; FAX: (801) 524-4023

VIRGINIA (Eastern) (4th Circuit)

Frank W. Dunham, Jr.
Federal Public Defender
1650 King Street Suite 500
Alexandria, Virginia 22314-5798
(703) 600-0800; FAX: (703) 600-0880

Federal Public Defender
150 Boush St., Ste. 403
Norfolk, VA 23510
(757) 457-0800; FAX: (757) 457-0880

Federal Public Defender
830 East Main Street, Suite 1100
Richmond, VA 23219
(804) 343-0800; FAX: (804) 648-5033

VIRGIN ISLANDS (3rd Circuit)

Thurston T. McKeIvin
Federal Public Defender
1115 Strand Street
Post Office Box 3450 – Christiansted
St. Croix, Virgin Islands 00820
(340) 773-3585; FAX: (340) 773-3742

Branch Mailing Address

Federal Public Defender
Post Office Box 1327
St. Thomas, Virgin Islands 00804
(340) 774-4449; FAX: (340) 776-7683

Branch Office Location

#51-B Kongens Gade, Suite #1
Chartlotte Amalie
St. Thomas, Virgin Islands 00802
(340) 774-4449; FAX: (340) 776-7683

WASHINGTON (Western) (9th Circuit)

Thomas W. Hillier, II
Federal Public Defender
Westlake Center Office Tower
1601 Fifth Avenue, Ste. 700
Seattle, Washington 98101
(206) 553-1100; FAX: (206) 553-0120

Branch:

Federal Public Defender
1551 Broadway, Suite 400
Tacoma, Washington 98402
(253) 593-6710; FAX: (253) 593-6714

WEST VIRGINIA (4th Circuit)

Northern

Brian J. Kornbrath
Federal Public Defender
The Huntington Bank Building
230 West Pike Street, Ste. 360
Clarksburg, West Virginia 26302
(304) 622-3823; FAX: (304) 622-4631

Southern

Mary Lou Newberger,
Federal Public Defender
300 Virginia Street East, Room 3400
Charleston, West Virginia 25301-2523
(304) 347-3350; FAX: (304) 347-3356

Resource List 2: Organizations Assisting Detained Immigrants

American-Arab Anti-Discrimination Committee (ADC)

Legal Department
1732 Wisconsin Avenue, NW
Washington, DC 20007
(202) 244-2990 (tel.)
(202) 244-7968 (fax)
legal@adc.org

United Nations High Commissioner for Refugees

UNHCR Regional Office for the
United States and the Caribbean
1775 K Street, NW, Suite 300
Washington, DC 20006
(202) 296-5191 (tel.)
(202) 296-5660 (fax)
(assistance provided to asylum-seekers,
refugees, and stateless persons)

World Organization For Human Rights USA

1725 K Street, N.W., Suite 610
Washington, D.C. 20006
(202) 296-5702 (tel.)
(202) 296-5704 (fax)
info@humanrightsvusa.org
(mostly gender claims, FGM, sexual
orientation, and rendition cases)

Catholic Legal Immigration Network (CLINIC), Inc.

The McCormick Pavilion
415 Michigan Avenue, NE, Suite 150
Washington, DC 20017-4503
(202) 635-2556
national@cliniclegal.org
See following local CLINIC offices

CLINIC Los Angeles
1530 James Wood Boulevard
Box 15095
Los Angeles, CA 90015
(213) 251-3505 (tel.)
(213) 487-0986 (fax)
(free legal service program for
detainees at Lancaster and San
Pedro facilities)

CLINIC Miami
3900 NW 79th Avenue, Suite 564
Miami, FL 33166
(305) 436-5730 (tel.)
(305) 436-5863 (fax)

CLINIC Newark
Catholic Community Service
976 Broad Street
Newark, NJ 07102
(973) 733-3516 (tel.)
(973) 733-9631 (fax)

CLINIC New Orleans
Loyola University Law Center
7214 Street Charles Avenue, Box 902
New Orleans, LA 70118

CLINIC Newton
CLINIC/Boston College
Immigration and Asylum Project
885 Centre Street
Newton, MA 02459
(617) 552-0593 (tel.)
(617) 552-2615 (fax)

CLINIC San Francisco
564 Market Street, Suite 416
San Francisco, CA 94104
(415) 362-8677 (tel.)
(415) 394-8696 (fax)

Florence Immigrant & Refugee Rights Project

P.O. Box 654
Florence, AZ 85232
(520) 868-0191 (tel.)
(520) 868-0192 (fax)
mail@mail.firrp.org
(Arizona detainees only)

Freedom House

2630 W. Lafayette
Detroit, MI 48216
Contact: Laurel (ext. 830)
(313) 964-4320 (tel.)
(313) 963-1077 (fax)
freedomhousemi@sbcglobal.net

Hate Free Zone Campaign of Washington

4860 Rainier Avenue S.
Seattle, WA 98118
Contact: Heather Hallman (ext. 205)
(206) 723-2203 (tel.)
(206) 629-7717 (fax)
info@hatefreezone.org
www.hatefreezone.org
(assists detainees in obtaining legal assistance, primarily in Washington State)

Immigrant Law Center of Minnesota

450 North Syndicate Street #175
St. Paul, MN 55104
(651) 641-1011
(Minnesota, North Dakota, and South Dakota detainees only)

Immigrant and Refugee Appellate Center, LLC

Thomas Hutchins, Esquire
6121 Lincolnia Road, Suite 300
Alexandria, VA 22312
(703) 916-7689 (tel.)
(703) 916-7690 (fax)
irac.center@verizon.net
(Prefer mental illness cases)

Immigration Equality

350 West 31st Street, Suite 505
New York, NY 10001
(212) 714-2904
(unable to accept collect calls; LGBT [lesbian, gay, bisexual, and transgender] and HIV-positive detainees only)

Immigration Services Catholic Social Services

680 West Peachtree Street NW
Atlanta, GA 30308
(404) 885-7461
(Georgia detainees only; advice, self-help materials, and referrals only)

Legal Aid Society

199 Water Street
New York, NY 10038
(212) 577-3330
(collect calls accepted Wednesdays 1-5 p.m. at (212) 577-3456)

Midwest Immigrant and Human Rights Center (MIHRC)

Heartland Alliance

208 S. LaSalle Street, Suite 1818
Chicago, IL 60604
(312) 263-0901
(collect calls accepted Tuesdays 11 a.m.-
2 p.m.)

National Immigration Project

14 Beacon Street, Suite 602
Boston, MA 02108
(617) 227-9727 (tel.)
(617) 227-5495 (fax)
www.nationalimmigrationproject.org

National Lawyers Guild

143 Madison Avenue, Fourth Floor
New York, NY 10016
(212) 679-5100 ext. 14
(415) 285-1055 (hotline for detainees in
San Francisco Bay area who have been
detained post-9/11)
nlgmember@nlg.org

NYSDA Immigrant Defense Project

25 Chapel Street, Suite 703
Brooklyn, NY 11201
(718) 858-9658 ext. 201 (tel.)
(800) 391-5713 (fax)
www.immigrantdefenseproject.org

Political Asylum/Immigration Representation (PAIR) Project

14 Beacon Street, #804A
Boston, MA 02108
Contact: Sarah Ignatius
(617) 742-9296
(Connecticut, Massachusetts, New
Hampshire, Rhode Island, and Vermont
detainees only)

Political Asylum Project of Austin

314 E. Highland Mall Boulevard,
Suite 501
Austin, TX 78752
(512) 478-0546 (tel.)
(512) 476-9788 (fax)
(only accept cases within San
Antonio EOIR jurisdiction)

South Texas Pro Bono Asylum Representation Project (ProBAR)

301 E. Madison Avenue
Harlingen, TX 78550
(956) 425-9231 (tel.)
(956) 425-9233 (fax)
probar@sbcglobal.net
[www.abanet.org/publicserv/
immigration/ProBAR.html](http://www.abanet.org/publicserv/immigration/ProBAR.html)
(South Texas cases)

Volunteer Advocates for Immigrant Justice (VAIJ)

1201 3rd Avenue, Suite 4800
Seattle, WA 98101
(206) 359-6200 (tel.)
(206) 447-1541 (fax)
[www.abanet.org/publicserv/
immigration/VAIJ.html](http://www.abanet.org/publicserv/immigration/VAIJ.html)
(Northwest states cases)

Quesiyah S. Ali, Esq.

1350 Plumtree Road
Springfield, MA 01119-2939
(860) 240-3523
(Massachusetts and Connecticut
detainees only)

Carr & Mattes, P.C.

Troy J. Mattes, Esq.
126 E. Chestnut Street
Lancaster, PA 17602
(717) 299-8877 (tel.)
(717) 299-1535 (fax)
(York County Prison detainees only)

Linda Mansour

2909 W. Central Avenue
Toledo, OH 43606
(419) 535-7100
lindamansour@aol.com
(Ohio and Michigan detainees; specialize
in juvenile cases)

**The Law Office of Theodore N.
Cox**

401 Broadway, Suite 701
New York, NY 10013
(212) 925-1208 (tel.)
(347) 400-1212 (mobile)
(212) 925-5188 (fax)
ted@tedcoxlaw.com

Law Offices of Roy Petty

114 S. First Street, Suite 201
Rogers, AR 72756
(479) 621-9150 (tel.)
(479) 621-9182 (fax)
roy@pettylaw.com
(Arkansas and Louisiana
detainees only)

**Law Office of Teplen &
Associates, P.L.L.C.**

350 Fifth Avenue - Suite 5720
(Empire State Building)
New York, NY 10118-5720
(212) 401-4040 (tel.)
(800) 244-5266 (toll free)
(212) 401-4041 (fax)
info@teplenlaw.com
www.teplenlaw.com
(New York and New Jersey cases
only)