

**United States District Court  
Western District of Washington**

**Attorney's Guide  
To Filing a 2241 Habeas Case  
with an Emergency Motion  
for Temporary Restraining Order (TRO)**



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## I. Introduction

This guide is designed to assist you with filing an Emergency 2241 Immigration Habeas Motion for a Temporary Restraining Order (TRO).

## II. Electronic Filing Support

Please review the following guidelines to familiarize yourself with the rules and procedures to electronically file in this court.

- [CM/ECF Filing Procedures](#)
- [Local Civil and Criminal Rules and General Orders](#)
- [Federal Rules of Civil Procedure](#)

If you have questions during normal business hours (Monday through Friday, 8 AM – 5 PM PST), you may contact the CM/ECF Support or the Case Opening Help Desk.

### **CM/ECF Support**

Assistance with CM/ECF user questions.  
(206) 370-8440, Option "2"  
(866) 323-9293, Option "2"  
[cmecf@wawd.uscourts.gov](mailto:cmecf@wawd.uscourts.gov)

### **Case Opening Help Desk**

Assistance with initial case opening questions.  
(206) 370-8787

## III. Getting Started

### 3.1 Required Documents

The following documents are required to file an emergency immigration habeas case:

1. 2241 Petition for Writ of Habeas Corpus
2. Motion for Temporary Restraining Order (TRO)
3. Proposed Order

### 3.2 Preparing Documents

All documents must be saved in PDF format as outlined in the [CM/ECF User's Manual](#).

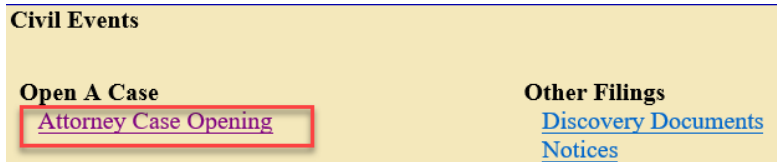
### 3.3 Filing Fee

The filing fee for a habeas action is \$5.00. You are prompted to enter payment information through pay.gov when opening your case.

## IV. Initiating Your Case

### 4.1 Enter Case Information

1. After logging into CM/ECF, select **Civil** on the CM/ECF menu.
2. Select **Attorney Case Opening**.



3. The next screen provides information on how to get help during the case opening process. To continue, select **Next**.
4. Enter your case information in the numbered fields. Use [Table A](#) as a reference.

**Open a Civil Case**

1 Office  Case type  2

Date filed: 3/12/2020

Office selection is determined by the county in which:

- defendants reside, or
- defendants have their principal places of business, or
- the claim arose

**Exception:** In cases removed from state court, office selection is determined by the county where the action is pending.

Refer to [LCR 3\(e\)](#) for further information and see [map](#) for county divisions.

**If this is a Removal Case, enter the name and case number of the originating court below:**

3 Other court name

Other court number

TABLE A		
	Field	Description
1	Office	Habeas immigration cases (with Nature of Suit 463) should be filed in <b>Seattle</b> (even if the petitioner is detained at the Tacoma Northwest Detention Center in Pierce County)
2	Case Type	Select <b>cv</b> for civil case
3	Other court name and number	Leave these fields blank

5. When you are finished, select **Next** to continue.

## 4.2 Enter Statistical Case Data

Enter statistical data in the numbered fields. Use [Table B](#) as a reference.

**Open a Civil Case**

1 **Jurisdiction** 2 (U.S. Government Defendant) ▾

2 **Cause of action** 28:2241 (28:2241 Petition for Writ of Habeas Corpus (federal)) ▾ Filter: 28 Clear filter

3 **Nature of suit** 463 (Habeas Corpus - Alien Detainee) ▾ Filter: Clear filter

4 **Origin** 1 (Original Proceeding) ▾

**Citizenship plaintiff** ▾ 5

**Citizenship defendant** ▾

**Jury demand** n (None) ▾ 6 **Class action** n (No Class Action Alleged) ▾ 7

**County** Clallam ▾ 8

County is determined by the residence of the *first listed plaintiff* in all actions except for U.S. plaintiff and land condemnation cases.

- If the U.S. government is the plaintiff, use the county of residence of the *first listed defendant*
- In land condemnation cases, use the location of the tract of land involved

**Fee status** pd (paid) ▾ 9 **Fee date** 3/12/2020 10


Next Clear

TABLE B		
	Field	Description
1	Jurisdiction	Select <b>2 (U.S. Government Defendant)</b> .
2	Cause of action	Select <b>28:2241 Petition for Writ of Habeas Corpus (federal)</b> .
3	Nature of suit	Select <b>463</b> .
4	Origin	Select <b>1 (Original Proceeding)</b> .
8	County	Select the petitioner's county of residence.
5 - 7, 9, 10		Leave these fields blank or at the default option.

When you are finished, select **Next** to continue.

### 4.3 Emergency Notification

Select **Yes** when asked: **Will your initial filing include a Temporary Restraining Order, or a Motion for Vessel Arrest, or any other emergency motion requiring immediate action by the court?**



If you select **Yes**, an email is sent to the Clerk's Office, notifying them of the pending emergency motion.

If you select **No**, the court will *not* receive notice of the emergency filing, which could delay the entry of an order and directly affect the status of your client's pending deportation.

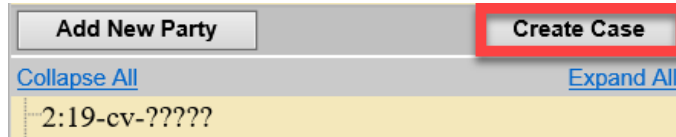
### 4.4 Adding Parties

In habeas cases, parties should be entered as outlined below.

Order of Parties:	Parties must be entered in the order they are listed on the Petition caption.	
Party Roles:	Use <b>Petitioner</b> and <b>Respondent</b> .	
Respondent Names:	When the name of a case participant could be pleaded multiple ways, select the version of the party's name that most closely matches the Petition. <b>Note:</b> Abbreviations in party names should be spelled out. Examples:	
	Caption	Enter in CM/ECF as:
	DHS	Department of Homeland Security
	US Department of Homeland Security	United States Department of Homeland Security
	ICE	Immigration and Customs Enforcement
	USCIS	United States Citizenship and Immigration Services
Attorneys:	Add co-counsel for petitioner (if any). <b>Note:</b> As the filing attorney, you are added by the system when you file the Petition for Writ of Habeas Corpus.	
Party Text:	If the title of a party is on the caption, you must enter it in the <b>Party Text</b> box on the case participant screen. <b>Note:</b> Abbreviations in party text should be spelled out. Example:	
	Caption	Enter Party Text as:
	Director, DHS	Director, Department of Homeland Security

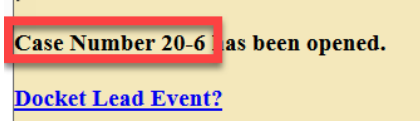
## 4.5 Creating the Case

1. Select **Create Case**.

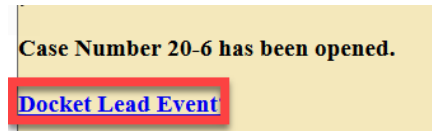


2. You are asked to confirm if a new case should be created.
  - a. If you have not finished adding the parties, select **No**.
  - b. If all parties have been entered, select **Yes**.

3. Write down the case number before proceeding.



4. You must now file the initiating document and pay the filing fee. Select **Docket Lead Event** to start.

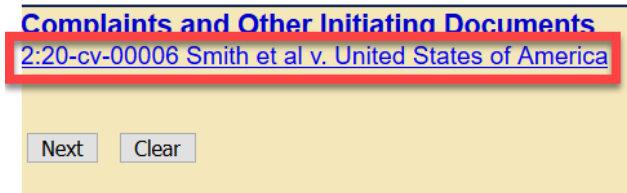


## V. File Petition for Writ of Habeas Corpus

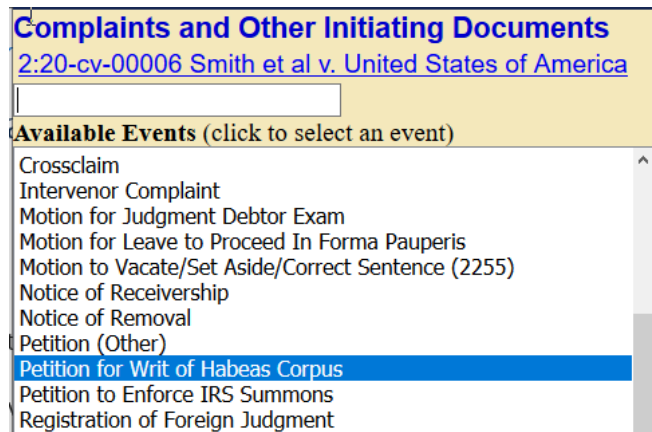
The Petition must be the first document on the docket.

### 5.1 Select the Petition

1. Go to **Civil > Initial Pleadings and Service > Complaints and Other Initiating Documents**.
2. Your case number is populated automatically. Select **Next**.
3. On the next screen, the case number and case short title are shown. Select **Next**.



4. Highlight **Petition for Writ of Habeas Corpus**, then select **Next**.



## 5.2 Select Parties

1. Highlight the name of the petitioner and select **Next**.

Pick Filer

Collapse All Expand All

- James E Smith pet
- Karen R Smith pet
- United States of America res

Select the filer.

Select the Party:

- Smith, James E [pet]
- Smith, Karen R [pet]
- United States of America [res]

Next Clear New Filer

2. Leave all fields checked and select **Next**. (This links the attorney's name to the petitioner and activates their electronic notice for the case.)

The following attorney/party associations do not exist for the above case(s).

Please check the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*.

Karen R Smith (pty:pet) represented by Attorney Wawdone (aty)  Notice

Next Clear

3. Highlight all of the respondent(s) and select **Next**.

Please select the party that this filing is **against**.

Select the Party: OR Select a Group:

- Smith, Karen R [pet]
- Smith, James E [pet]
- United States of America [res]

No Group  
 All Defendants  
 All Plaintiffs  
 All Parties

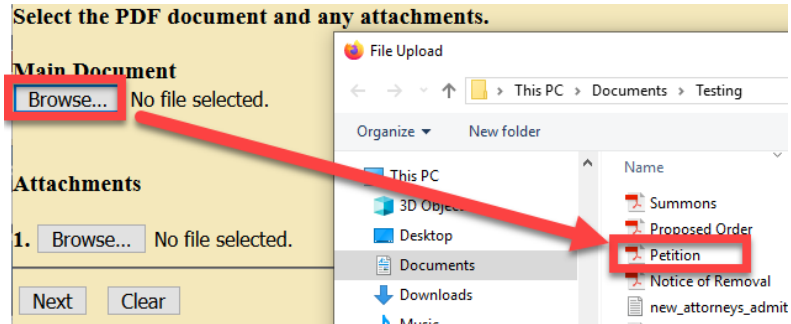
Next Clear New Party



### 5.3 File the Petition for Writ of Habeas Corpus

**Note:** The Petition must be signed by the petitioner with an original signature. If not feasible, review [LCR 100\(e\)](#) for more information.


1. Select **Browse** next to **Main Document**.
2. Select the PDF version of the Petition on your computer.



3. The Petition appears in the **Main Document** field.



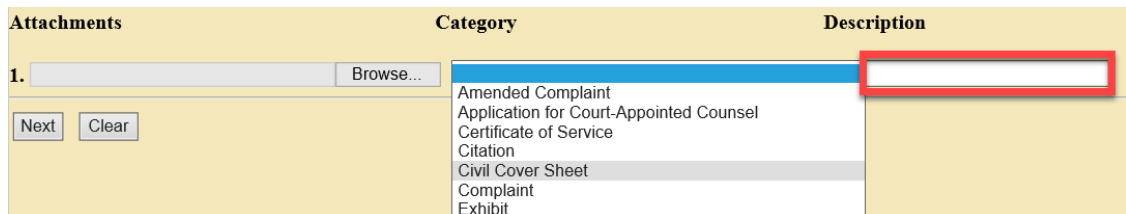
4. To upload additional attachments, select **Browse** next to **Attachments**.



**DO NOT** file the Motion for Temporary Restraining Order as an attachment. The Motion must be filed as a separate event (see section [VI. File the Emergency Motion for Temporary Restraining Order \(TRO\)](#)).

If not filed correctly, the Court will not receive electronic notice, which could affect the status of your client's pending deportation.

5. If you have attachments (e.g., exhibits), you must select a **Category** and/or enter text in the **Description** box.



For example, to file an exhibit, choose **Exhibit** from the **Category** menu and – if possible – enter a **Description** of the Exhibit.

**Category:** Exhibit

**Description:** Asylum Documents

Do not repeat the word “exhibit” in the **Description** text.

6. Once you upload the documents, select **Next**.

## 5.4 Pay the Filing Fee

1. CM/ECF displays the amount of the filing fee (\$5.00) on the screen.
2. CM/ECF redirects you to your PACER account to pay the filing fee.
3. Once payment is complete, PACER automatically redirects you back to CM/ECF to finish opening your case.

**Note:** The case is not open until you return to CM/ECF and complete the case opening process.

4. Problems?
  - a. If you are charged in error, contact the Clerk's Office Financial Department at (206) 370-8415 or by email at [SeaFin@wawd.uscourts.gov](mailto:SeaFin@wawd.uscourts.gov).
  - b. If your payment is not accepted, contact your financial institution. *Do not contact the Court.*

## 5.5 Complete the Case Opening Process

After paying the filing fee, you are redirected to CM/ECF to finish opening your case.

1. You are given the option to modify the docket text.

Docket Text: Modify as Appropriate.

PETITION for Writ of Habeas Corpus  (Receipt # AWAWXDC-2842640), filed by Karen R Smith. (Wawdone, Attorney)

Next Clear

2. Select **Next** to review the final text that will appear on the docket.

Docket Text: Final Text

**PETITION for Writ of Habeas Corpus (Receipt # AWAWXDC-2842640), filed by Karen R Smith. (Wawdone, Attorney)**

**Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.**  
**Have you redacted?**

Source Document Path (for confirmation only):  
C:\fakepath\Petition.pdf pages: 1

Next Clear

**Note:** *Never* use the browser **Back** button to correct errors. Submit the filing then call the [Clerk's Office](#) for assistance.

3. Select **Next** to open your case.

## 5.6 Notice of Electronic Filing

The **Notice of Electronic Filing** screen is displayed once you have finished opening your case. This screen confirms:

U.S. District Court  
[Test Application] Western District of Washington

**Notice of Electronic Filing**

The following transaction was entered by Wawdone, Attorney on 2/11/2020 at 1:54 PM PST and filed on 2/11/2020

**Case Name:** Smith et al v. United States of America  
**Case Number:** [2:20-cv-00006](#)  
**Filer:** Karen R Smith  
**Document Number:** [1](#)

**Docket Text:**  
**PETITION for Writ of Habeas Corpus (Receipt # AWAWXDC-2842640), filed by Karen R Smith.(Wawdone, Attorney)**

2:20-cv-00006 Notice has been electronically mailed to:

Attorney Wawdone userwawdaty01@gmail.com

2:20-cv-00006 Notice will not be electronically mailed to:

- That your documents have been filed.
- Who has been electronically notified of your new case.
- Who was *not* electronically notified of your new case.



If you need a Temporary Restraining Order, you are not done filing. Go to [section VI](#) for additional directions on how to file a **Motion for Temporary Restraining Order**.

## VI. File the Emergency Motion for Temporary Restraining Order (TRO)

The Motion for TRO *must* be filed as the separate docket entry. If filed correctly, the Clerk's Office receives immediate notification and alerts chambers of the pending emergency motion.

**Note:** If the **Motion for TRO** event is not used, the court will not receive electronic notification of the emergency motion. This could cause a delay in an order being entered and directly affect the status of your client's imminent deportation.

The following steps should be followed in order to correctly file a **Motion for Temporary Restraining Order**.

1. Go to the **Civil** menu.
2. Select **Motions** under **Motions and Related Filings**.
3. Enter the case number and select **Next**.
4. Highlight the event, **Temporary Restraining Order**, and select **Next**.
5. Select whether the motion includes a request for Oral Argument, then select **Next**.

6. Attach the following documents:
  - a. **Main Document:** Motion for Temporary Restraining Order
  - b. **Attachments:** Proposed Order for Temporary Restraining Order signed by attorney (see [LCR 10\(e\)\(7\)](#))
7. Label the attached proposed order by selecting **Proposed Order** from **Category**.
8. Select **Next** once you've attached the motion and proposed order.
9. Highlight petitioner as the filer and select **Next**.
10. CM/ECF reminds you to **Properly note motions in compliance with LCR 7**: Select **Next**.
11. As per [LCR 7\(d\)\(1\)](#), **Noting Date** should be entered as the date you are filing the motion. Once entered, select **Next**.
12. The next screen reminds you to contact the Seattle Clerk's Office immediately after filing your Motion for Temporary Restraining Order (see [step 18](#)).
13. Select **Next**.
14. Select **Emergency** in the first dropdown.

Docket Text: Modify as Appropriate.

MOTION for Temporary Restraining Order filed by Petitioner  
(Attachments: # (1) Proposed Order) Noting Date 2/28/2020, (Wawdone, Attorney)

Ninth  
Tenth  
Agreed  
Amended  
Cross  
Emergency  
Endorsed

15. Once you are done modifying the docket text, select **Next**.
16. Review the docket text and attachments to make sure everything is correct.

Docket Text: Final Text

Emergency MOTION for Temporary Restraining Order filed by Petitioner Karen R Smith.  
(Attachments: # (1) Proposed Order) Noting Date 2/28/2020, (Wawdone, Attorney)

**Attention!!** Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.  
Have you redacted?


Source Document Path (for confirmation only):  
C:\fakepath\Motion.pdf pages: 1  
C:\fakepath\Proposed Order.pdf pages: 1

Next Clear

- a. If is correct, select **Next**.
- b. If it is not correct, select Civil in the top menu and start over. Do not use the browser **Back** button to fix errors.

17. If filed correctly, the final docket should look similar to the following:

Date Filed	#	Docket Text
02/11/2020	<a href="#">1</a>	PETITION for Writ of Habeas Corpus (Receipt # AWAWXDC-2842640), filed by Karen R Smith.(Wawdone, Attorney) (Entered: 02/11/2020)
02/11/2020	<a href="#">2</a>	Emergency MOTION for Temporary Restraining Order filed by Petitioner Karen R Smith. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 2/28/2020, (Wawdone, Attorney) (Entered: 02/11/2020)



It is the responsibility of the filer to provide a copy of the filed Motion for Temporary Restraining Order to the facility where the Petitioner is being held to ensure advanced notification of the impending order.

18. *Immediately* contact the Seattle Clerk's Office:

- a. *During business hours:* (206) 370-8400, Option "0"
- b. Outside Business Hours: (206) 370-8406
- c. Provide the Clerk's Office with the following information:
  - Name
  - Case Number
  - Contact Information
  - Deportation date & time

## VII. Order Entered

Once an order has been entered, the clerk immediately emails a copy of the order to ICE with a cc: to counsel. The order is then posted on the docket and the attorney will receive electronic notice of the filing.