

INSTRUCTION SHEET FOR UNREPRESENTED (PRO SE)
IMMIGRATION HABEAS CORPUS CASES (Revised July 2026)

This sheet contains some of the Court's rules and procedures that must be followed to properly file a habeas corpus petition under 28 U.S.C. Section 2241. This is intended to help petitioners who are handling their own case in Court, also known as *pro se*—a person who is representing themselves without a lawyer.

- This form should be used if you are held in immigration detention at the Northwest ICE Processing Center due to an immigration matter.

A. PRO SE PETITION—COMPLETE AND FILE

1. You may file the petition in hard copy, by mailing it to the Clerk of Court, U.S. District Court for the Western District of Washington, 700 Stewart Street, Suite 2310 Seattle WA 98101. All hard copy petitions and briefs must be filed using paper that is 8.5 by 11 inches; one-sided, do not use the back of any page.
2. Type or neatly write your petition. Add more pages if necessary.
3. If you want a file-stamped copy of the petition, you may enclose a second copy of your petition and ask the Court to file-stamp the extra copy and return it to you.
4. You must sign and date the petition, and you will be asked to declare under penalty of perjury that you have read your petition, or had it read to you by another person, and the information is true and accurate. Be sure to list all proper respondents. This normally includes:

Warden of Northwest ICE Processing Center (a necessary party for jurisdiction)

**Director or Acting Director of Seattle Field Office, Enforcement and Removal Operations,
United States Immigration and Customs Enforcement**

Secretary of US Department of Homeland Security

US Attorney General

Director of Executive Office of Immigration Review

5. You will need to remove personal identifying information from all documents filed with the Court,

including date of birth, names of minor children, social security number, financial account numbers, passport number, and driver's license number. This is for the protection of your private information and the privacy of others.

6. You may complete and file a habeas corpus petition form by using the Court's online filing process for *pro se* petitioners in immigration cases. The form is located on the "Court Forms" page of the Court's website. www.wawd.uscourts.gov/court-forms
7. You must advise the Court and the other parties if your contact information or place of residence changes; this allows the Court and parties to send documents to the correct mail or email address.
8. PAY THE FILING FEE OR SUBMIT AN APPLICATION TO PROCEED IN FORMA PAUPERIS
 - a. To file your case, you must submit your petition in hard copy by mail, or electronically to newcases.seattle@wawd.uscourts.gov. To begin the case, you are required to either pay the \$5 filing fee (Check or Money Order payable to Clerk of Court, or by credit card) or, if you cannot pay the filing fee, then complete and file an application to proceed *in forma pauperis* (IFP). If granted by the Court, IFP means you can file the petition even if you cannot afford the \$5 filing fee.
 - b. You are required to complete this step, of either paying the \$5 filing fee, or filing the IFP application. If you do not pay the filing fee, or apply for IFP, the Court will not consider your case.
 - c. To fill out the IFP form, you may fill out a hard copy and send it to the Court by mail along with the petition, or go to the Court's website on the "Court Forms" page or use this link to retrieve and print the form www.wawd.uscourts.gov/court-forms

9. CONSENT

At the beginning of the case, you will be asked whether you consent to the jurisdiction of a United States Magistrate Judge. Consenting to a Magistrate Judge allows cases to be distributed more evenly and this assists the Court in ruling on petitions more quickly.

You have a right to have your case handled by a United States District Judge. But you may waive that right and have a United States Magistrate Judge handle your case instead.

If you do consent, then the case may be assigned to a United States Magistrate Judge.

If you decide not to consent, then your case will be assigned to a United States District Judge.

For more information about each of the Judges, use this link to the Court's website.

<https://www.wawd.uscourts.gov/judges>

10. COURT RULES

- a. The Court has local civil court rules, and general orders entered by the Chief Judge, that apply only in the Western District of Washington. There are also Federal Rules of Civil Procedure and Federal Habeas Corpus Rules that apply across all the United States District Courts to habeas corpus cases.
- b. If you decide to appeal a decision of the United States District Court, there are Federal Rules of Appellate Procedure that you would be required to follow to appeal your case to the United States Court of Appeals for the Ninth Circuit.
- c. These rules may be accessed on the [Court's website](#), or you may find hard copies at a law library.

11. SERVICE OF COMPLAINT AND ANSWER

The Court will notify the respondents that you have filed your petition, when the petition meets the requirements for filing.

12. BRIEFING SCHEDULE, CONTENT, AND GUIDELINES

If the Court decides your petition has been properly filed, it will order a schedule for the parties to file more documents. The Court will order a deadline for the government to file a response to your petition. The Court will give you the opportunity to file a reply (also called a traverse) after the government files the response. There are Court Rules that apply to the form and content of briefs and motions filed in habeas corpus cases. See, Court Rules, above.

13. MOTIONS

- a. If you want the Court to do something, you are required to file a written motion. A motion is a formal request for the Court to take action.
- b. In the motion, you should state exactly what you want the Court to do, and if more time would be necessary for you to file a brief. The Court's local rules and the Federal Rules of Civil Procedure apply to filing motions in civil cases, and many of these rules would apply to habeas corpus petitions. These rules may be accessed on the Court's website, or you may find hard copies at a law library. See, Court Rules, above.

14. APPLICATION FOR COURT-APPOINTED COUNSEL

- a. If you are interested in asking for an attorney to represent you in your habeas corpus case, you may

request the Court to identify a pro bono attorney and ask the attorney to accept your case.

- b. An application for court-appointed counsel is attached below. In a civil case, a party has no constitutional right to appointed counsel.
- c. The Court may request an attorney to be appointed, but the Court does not have authority to compel an attorney to represent a pro se party.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

 Petitioner(s), v. Respondent(s).	CASE NO. _____ (leave blank – supplied by Clerk of Court)
---	--

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
(FOR USE ONLY IN IMMIGRATION HABEAS CASES)**

Personal Information

- (a) Your full name: _____

(b) Other names you have used: _____
- Current Address: _____
- Are you currently in custody, detained, paroled, restrained by an order of an administrative tribunal or court, or otherwise subject to official restraint on your freedom and liberty by:
☐ Federal Authorities ☐ State Authorities ☐ Other - explain:

Appeals of Immigration Proceedings

4. Date you were taken into immigration custody, detention, parole, or other official restraint on freedom and liberty: _____

5. If there has been a removal order or reinstatement of a removal order, what was the date of that order? _____

6. Did you file an appeal with the Board of Immigration Appeals?

☐

Yes

☐

No

7. If you answered "YES" to Question 6, then provide:

(a) Date of filing: _____

(b) Case number: _____

(c) Result: _____

(d) Date of result: _____

(e) Issues raised: _____

8. Did you appeal the decision to the United States Court of Appeals?

☐

Yes

☐

No

9. If you answered "YES" to Question 8, then provide:

(a) Date of filing: _____

(b) Case number: _____

(c) Result: _____

(d) Date of result: _____

(e) Issues raised: _____

Grounds for Your Challenge in This Petition

10. State every ground (reason) that supports your claim that you are in custody, detention, parole, or other official restraint in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than two grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

Supporting facts:

GROUND TWO:

Supporting facts:

Request for Relief

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

Declaration Under Penalty of Perjury

If you are in custody, on what date did you place this petition in the mail system at the location you are in custody at: _____

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

Date: _____

Signature of Petitioner

Signature of Attorney or another authorized person, if any

Consent to Magistrate Judge

In the event this case is assigned to a Magistrate Judge, the Court requests that Petitioner consent to having the Magistrate Judge preside over the entirety of this case. See General Order 08-26, 28 U.S.C. § 636, Local Magistrate Judge Rule 13, and Federal Rule of Civil Procedure 73. Respondents will also be provided an opportunity to either consent or decline consent of this case to a Magistrate Judge. If both parties give consent, the Magistrate Judge will preside over the entire case for all purposes, including any dispositive matter. The Magistrate Judge will enter a final order and judgment that will be appealable directly to the Ninth Circuit Court of Appeals. Consent to a Magistrate Judge is voluntary and entirely up to the parties. Petitioner may consent or decline consent by marking the appropriate line below.

☐ **I consent and agree the case can be assigned to a Magistrate Judge**

☐ **I decline consent and request the case be reassigned to a District Judge**

UNITED STATES DISTRICT COURT

Western District of Washington

Petitioner

vs.

Respondent(s)

Case Number: _____

**DECLARATION AND APPLICATION
TO PROCEED IN FORMA PAUPERIS
IN A FEDERAL HABEAS ACTION****DO NOT use this form if you are bringing a
civil action.****DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS**

I (print your name) _____ declare I am the petitioner in this habeas proceeding; I believe I am entitled to relief; and I am unable to pay the costs of this proceeding or give security thereof.

This action proceeds pursuant to: 28 U.S.C. ☐ §2241 ☐ §2254 ☐ §2255

In support of this application, I answer *all* of the following questions:

1. Are you presently employed?

☐ Yes Total amount of net monthly salary (take home pay) \$ _____

Name and address of employer _____

☐ No Date of last employment _____

Amount of net monthly salary when last employed \$ _____

2. For the past twelve months, list the amount of money you have received from any of the following sources.

a. Business, profession or other self-employment	\$ _____
b. Income from rent, interest or dividends	\$ _____
c. Pensions, annuities or life insurance payments	\$ _____
d. Disability, unemployment, workers compensation or public assistance	\$ _____
e. Gifts or inheritances	\$ _____
f. Money received from child support or alimony	\$ _____
g. Describe any other source of income _____	\$ _____

3. List the amount for each of the following (include prison account funds) :

Cash on hand \$_____ Checking Account \$_____ Savings Account \$_____

4. Do you own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

If Yes, describe the property and state its approximate value:

☐ Yes ☐ No

	\$	
--	----	--

5. Are any persons dependent upon you for support? If Yes, state their relationship to you, and indicate how much you contribute toward their support each month. (Do not include names of minor children.)

☐ Yes ☐ No

	\$	
--	----	--

6. Describe the types of monthly expenses you incur, such as housing, transportation, utilities, loan payments, or other regular monthly expenses and the amount spent each month.

	\$	
--	----	--

7. Provide any other information that will help explain why you cannot pay court fees and costs.

--

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

Executed on: (Date)

Signature of Applicant

CERTIFICATION

Have the institution fill out the Certification portion of this application and attach a certified copy of your prison trust account statement showing transactions for the past six months.

I certify that the applicant named herein has the sum of \$_____ on account to his/her credit at

(Name of Institution) _____

Executed on: (Date)

Signature of Financial Officer

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK**

JOSHUA C. LEWIS
CLERK

U.S. COURTHOUSE, SUITE 2310
700 STEWART STREET
SEATTLE, WASHINGTON 98104

TO: Petitioners filing Immigration Habeas Petitions

FROM: United States District Court
Western District of Washington

APPLICATION FOR COURT-APPOINTED COUNSEL

If you seek appointment of counsel, please do the following:

- (1) Complete all portions of the Application and sign the Application on page three, indicating you request the court appoint counsel;
- (2) If you have not been granted leave to proceed *in forma pauperis* in this case, complete and sign the attached Financial Affidavit; and
- (3) Sign the Application.

FINANCIAL RESPONSIBILITY

To the extent reasonably feasible based on financial condition, every petitioner bears the responsibility to pay litigation expenses and all or part of the court-appointed attorney's fees

ADDITIONAL INFORMATION

If you have any questions regarding the Application form, or about the procedure in preparing and filing it, you may direct them to the Clerk of the Court at U.S. Courthouse, Suite 2310, 700 Stewart St, Seattle, WA 98101 or if by telephone at (206) 370-8400.

Revised 11/2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

	)	CASE NO. _____
	)	
	)	APPLICATION FOR COURT-
Plaintiff(s)	)	APPOINTED COUNSEL
	)	
vs.	)	Noted for Determination on:
	)	
	)	_____
	)	(Insert date of 21st day after date of
Defendant(s)	)	filing)
_____	)	

MOTION

Petitioner requests the Court appoint counsel in this action brought under 28 U.S.C. § 2241.

FINANCIAL AFFIDAVIT

Has this Court previously granted you leave to proceed *in forma pauperis* in this case?
_____. If not, complete the attached Financial Affidavit.

1

PREVIOUS EFFORTS TO RETAIN AN ATTORNEY

2

Describe your efforts to hire an attorney, including how many attorneys you contacted, and when you contacted them.

3

6

7

8

9

27

28

1 I, _____, plaintiff in this action, swear that I have read
2 this entire Application, including any attachments, and the Complaint. In accordance with 28 U.S.C.
3 § 1746, I declare under penalty of perjury that the foregoing information is true and correct.

4

5

6

7

Executed on this _____ day of _____, _____.

8

9

10

11

Signature of Plaintiff _____

12

13

14

10 Plaintiff's Name, Address, Telephone Number, Email:

16

17

18

19

20

21

22

23

24

25

26

27 Application for Court-Appointed Counsel

3

28 Revised 01/25

UNITED STATES DISTRICT COURT

Western District of Washington

Plaintiff

vs.

Case Number: _____

FINANCIAL AFFIDAVIT

Defendant(s)

DECLARATION AND FINANCIAL AFFIDAVIT

I (print your name) _____ declare I am the plaintiff/defendant (circle one) in this case; I believe I am entitled to relief; and I am unable to pay the costs of an attorney. The nature of my action is briefly stated as follows:

In support of this affidavit, I answer *all* of the following questions:

1. Are you presently employed?

☐ Yes Total amount of net monthly salary (take home pay) \$ _____

Name and address of employer _____

☐ No Date of last employment _____ Total amount of last net monthly salary \$ _____

2. If married, is your spouse presently employed? ☐ Not married

☐ Yes Total amount of spouse's net monthly salary (take home pay) \$ _____

Name and address of employer _____

☐ No Date of spouse's last employment _____ Total amount of last net monthly salary \$ _____

3. For the past twelve months, list the amount of money you and/or your spouse have received from any of the following sources.

a. Business, profession or other self-employment	\$ _____
b. Income from rent, interest or dividends	\$ _____
c. Pensions, annuities or life insurance payments	\$ _____
d. Disability, unemployment, workers compensation or public assistance	\$ _____
e. Gifts or inheritances	\$ _____
f. Money received from child support or alimony	\$ _____
g. Describe any other source of income _____	\$ _____

4. List the amount for each of the following for you and/or your spouse:

Cash on hand \$ _____ Checking Account \$ _____ Savings Account \$ _____

5. Do you and/or your spouse own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If Yes, describe the property and state its approximate value:

☐ Yes ☐ No

	\$	
--	----	--

6. Are any persons dependent upon you or your spouse for support? If Yes, state their relationship to you or your spouse, and indicate how much is contributed toward their support each month. (Do not include names of minor children.)

☐ Yes ☐ No

	\$	
--	----	--

7. Describe the types of monthly expenses you incur, such as housing, transportation, utilities, loan payments, or other regular monthly expenses and the amount spent each month.

	\$	
--	----	--

8. Provide any other information that will help explain why you cannot pay court fees and costs.

--

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

Executed on: (Date)

Signature of Party (**Required**)