

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

*Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241  
by a Person in Federal Custody*

**Purpose**

---

This form is not to be used if you, the petitioner, claim that your federal sentence itself is unlawful. If you wish to attack your federal sentence, you should file a Motion to Vacate Sentence, 28 U.S.C. § 2255.

**Notice:** Any false statements of a material fact may serve as a basis for prosecution and conviction for perjury.

**Filling out the form**

---

Fill out the attached form and answer each item completely in the space provided. Be sure all answers are typewritten or legibly handwritten.

**Additional Pages**

---

Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief.

No citation of authorities need be furnished.

If providing briefs or arguments, they must be:

- on white 8 ½ by 11 paper, and
- securely attached to this form.

**Filing Fee**

---

For the current filing fee, consult the Fee Schedule on the court's website at [www.mied.uscourts.gov](http://www.mied.uscourts.gov). If you do not have the filing fee, you must:

- Complete the attached Application to Proceed In Forma Pauperis,
- Sign the application, and
- Have the application certified by an official of the institution in which you are imprisoned, indicating the amount of money and securities on deposit to your credit in any account in the institution. If your prisoner account exceeds \$150.00, the court will usually deny a request to file in forma pauperis.

**Submitting Forms**

---

When the petition is fully completed, mail the original and two (2) copies to:

Office of the Clerk  
United States District Court  
231 W. Lafayette Boulevard, Fifth Floor  
Detroit, MI 48226

**Failure to comply with all of the instructions will result in unnecessary delays**



**Decision or Action You Are Challenging**

5. What are you challenging in this petition:
- How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
  - Pretrial detention
  - Immigration detention
  - Detainer
  - The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
  - Disciplinary proceedings
  - Other (*explain*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: \_\_\_\_\_  
\_\_\_\_\_
  - (b) Docket number, case number, or opinion number: \_\_\_\_\_
  - (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):  
\_\_\_\_\_  
\_\_\_\_\_
  - (d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**
- Did you appeal the decision, file a grievance, or seek an administrative remedy?
- Yes                       No
- (a) If “Yes,” provide:
- (1) Name of the authority, agency, or court: \_\_\_\_\_  
\_\_\_\_\_
  - (2) Date of filing: \_\_\_\_\_
  - (3) Docket number, case number, or opinion number: \_\_\_\_\_
  - (4) Result: \_\_\_\_\_
  - (5) Date of result: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

---

---

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

---

---

---

---

---

---

---

---

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

---

---

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

---

---

---

---

---

---

(b) If you answered “No,” explain why you did not file a third appeal: \_\_\_\_\_

---

---

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If “Yes,” answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

If “Yes,” provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

---

---

---

---

---

---

---

---

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If “Yes,” provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

---

---



- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

- Yes                       No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

\_\_\_\_\_

---

---

---

---

---

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO:**

---

---

---

---

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

---

---

---

---

---

---

---

---

---

---

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE:**

---

---

---

---

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

---

---

---

---

---

---

---

---

---

---

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

**GROUND FOUR:** \_\_\_\_\_

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

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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

(b) Did you present Ground Four in all appeals that were available to you?

Yes                       No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: \_\_\_\_\_

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

**Request for Relief**

15. State exactly what you want the court to do: \_\_\_\_\_

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

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

---

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 other authorized person, if any*