

**Petition for Writ of Habeas Corpus
By a Person in Federal Custody**

(Motion Under 28 U.S.C. § 2241)

Instructions - Read Carefully

1. This petition must be readable, either handwritten or typewritten on 8½" x 11" paper, signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form. No notary is required.
2. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. Upon receipt of the filing fee of \$5.00, your petition will be filed.
4. If you do not have the necessary filing fee, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the institution where you are confined complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
5. When you have completed the form, send the original and two identical copies, along with the \$5.00 filing fee, to the Clerk of the United States District Court at this address:

Clerk, U.S. District Court
Western District of Wisconsin
PO Box 432
Madison, WI 53701-0432

Retain a copy for your own records.

6. Petitions which do not conform to these instructions may be returned with a notation as to the deficiency.

**United States District Court
Western District of Wisconsin**

_____,
(Full name of Prisoner))

(Prisoner I.D. Number)

Case No. _____
(Provided by clerk of court)

Petitioner,

v.

_____,
(Name of Warden, Superintendent, Jailor or
authorized person having custody of petitioner)

Respondent.

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

I. General Information

- A. Place of confinement: _____
- B. Petitioner's institutional address: _____

II. SUBJECT OF THIS PETITION

- A. Indicate the type of decision or action which you are challenging:

_____ Denial of parole
_____ Revocation of parole
_____ Disciplinary matter
_____ Revocation of good time credits
_____ Detainer
_____ Immigration or deportation order
_____ Other (described briefly the type of decision or action involved)

- B. Who made the decision or took the action? _____
- C. Date of decision or action? _____

D. Was there a hearing of any kind? Yes () No ()

1. First hearing:

Date: _____

Location: _____

Conducted by: _____

Result: _____

2. Second hearing:

Date: _____

Location: _____

Conducted by: _____

Result: _____

E. Were you represented by counsel or a staff member at any hearing?

Yes () No ()

If yes, give name and address: _____

III. PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES

A. If your claim concerns a **parole** matter (for example, denial, modification or revocation of parole) complete the following:

1. Did you appeal the decision to the Regional Commissioner?

Yes () No ()

a. Date of filing appeal: _____

b. Grounds raised: _____

c. Result and date: _____

2. Did you appeal the decision to the National Appeals Board/U.S. Parole Commission? Yes () No ()

a. Date of filing appeal: _____

b. Grounds raised: _____

c. Result and date: _____

B. If your claim concerns something other than parole (for example, a disciplinary matter) complete the following about the administrative remedy procedures.
(See C.F.R. § 542.10)

1. Did you attempt to resolve your complaint informally?
Yes () No ()
2. Did you file a formal complaint? Yes () No ()
3. Did you appeal to the Warden? Yes () No ()
4. Did you appeal to the Regional Commissioner? Yes () No ()
5. Did you appeal to the General Counsel? Yes () No ()
6. If you did not use the Administrative Remedy Procedure, explain why you did not do so. _____

C. Attach copies of your incident report or parole rationale (where appropriate), your request(s) for an administrative remedy and the response(s) you received. If you cannot do so, explain why not. _____

D. Have you filed any previous lawsuit(s) related to your present claim?
Yes () No ()

1. Name and location of court: _____
2. Date of filing: _____
3. Case Number: _____
4. Nature of suit: _____
5. Grounds raised: _____

6. Result and date: _____

IV. GROUNDS FOR RELIEF

State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the **facts** supporting each ground. It is not necessary to cite cases or law in this petition. However, if you wish to cite cases or law, you should do so in a separate memorandum or brief. If necessary, you may attach extra page(s) of facts supporting your grounds for relief.

A. Ground One: _____

Supporting **FACTS** (tell your story briefly without citing cases or law).

B. Ground Two: _____

Supporting **FACTS** (tell your story briefly without citing cases or law).

C. Ground Three: _____

Supporting **FACTS** (tell your story briefly without citing cases or law).

D. Ground Four: _____

Supporting **FACTS** (tell your story briefly without citing cases or law).

V. REQUEST FOR RELIEF

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

VI. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, declare (or certify, verify or state) under penalty of perjury, that I am the petitioner in the above action, that I have read the above petition and that the information contained therein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Signed this ____ day of _____, 20____.

Signature of Petitioner

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Full name of plaintiff(s) or petitioner(s) _____

Case No. _____
(Provided by the clerk of court)

v.

Full name of defendant(s) or respondent(s) _____

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

I, _____, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

I. Personal Information

1) Are you currently incarcerated? ☐ Yes ☐ No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

_____ (place) _____ (number)

(b) Are you employed at the institution? ☐ Yes ☐ No

(c) Do you receive any payment from the institution? ☐ Yes ☐ No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

(WIWD 01/07)

Personal Information - continued

2) Are you employed? ☐ Yes ☐ No

3) Are you currently married? ☐ Yes ☐ No
If "Yes," is your spouse employed? ☐ Yes ☐ No

4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?
☐ Yes ☐ No

If "Yes," list them below:

<u>First and Last Initials (For Minor Children Only) or Name</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided Per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

II. Income - If you are married, your answers *must include your spouse's income.*

(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)

State your total *monthly* income? \$ _____

Provide the name of your employer(s): _____

State your spouse's total *monthly* income? \$ _____

State the amount of money you have received from any other source in the last twelve months (e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

III. Expenses - If you are married and/or have dependents, ***your expenses should also include your household's expenses.***

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

☐ Rent or ☐ Mortgage \$ _____

Car payment(s) \$ _____

Alimony and/or court-ordered child support \$ _____

Credit card payment(s) \$ _____

2) Do you have any other monthly expenses that you have not already identified?

☐ Yes ☐ No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

3) What is the total amount of your monthly expenses? \$ _____

IV. Property - If you are married, your answers must ***include your spouse's property.***

1) Do you own a car? ☐ Yes ☐ No If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your residence(s)? ☐ Yes ☐ No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ _____

IV. Property - continued

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques? ☐ Yes ☐ No

If "Yes," identify the property and approximate value(s).

<u>Property</u>	<u>Approximate Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

4) Do you have any cash or checking, savings, or other similar accounts? ☐ Yes ☐ No

If "Yes," state the total amount of such sums. \$ _____

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?
☐ Yes ☐ No

If "Yes," state the nature of that property and approximate value(s).

V. Other Circumstances - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

Date

Signature - Signed Under Penalty of Perjury