



GUIDE TO FILING YOUR FIRST HABEAS CORPUS PETITION

Northern District of California

By ILRC Attorneys¹

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I. Register for PACER

A. Plan at least 48 hours before client needs to file

Register & get admitted before your client needs to file. You will need your California license information, and a credit card.

Activity		Duration
Day 1	<ul style="list-style-type: none"> • Registering for PACER • Registering for ECF 	30 minutes
	<ul style="list-style-type: none"> • Receiving your ECF password 	1-2 days
Day 2	<ul style="list-style-type: none"> • Link your accounts • Submit your petition for admission • Pay the admission fee • Save documents 	30 minutes
Total		48 hours

B. Sign up as an “Attorney Filer” in PACER

1. Go to PACER.uscourts.gov.
2. Select “Attorney Filers” by clicking either “Register for an Account” or “Sign up for an Account” (see arrows below).



3. Click “Register for PACER Account.”

C. Fill out the online registration form

1. Fill out the required biographic information.

Attorney Admissions and/or E-File Registration

Account Information

* Required Information

Prefix

First Name *

Middle Name

Last Name *

Generation

Suffix

Date of Birth *

2. Choose an option under “User Type” (this affects how you’ll be billed²):
 - **Individual:** This simplest option means you’ll receive quarterly invoices sent directly to your email.
 - **Law Firm & Non-Profit Organization:** These options require an Employer Identification Number (EIN).

User Type *

Check here if this account will be used for the Attorney Panel

User Verification *

I'm not a robot

LAWYER
 MEDIA
 NON-PROFIT ORGANIZATION
 SERVICE PROVIDER TO THE LEGAL SECTOR
 SOLE PROPRIETORSHIP
 TRUSTEE (SUCH AS PANEL, STANDING, OR CASE)
 OTHER COMMERCIAL ACCOUNT

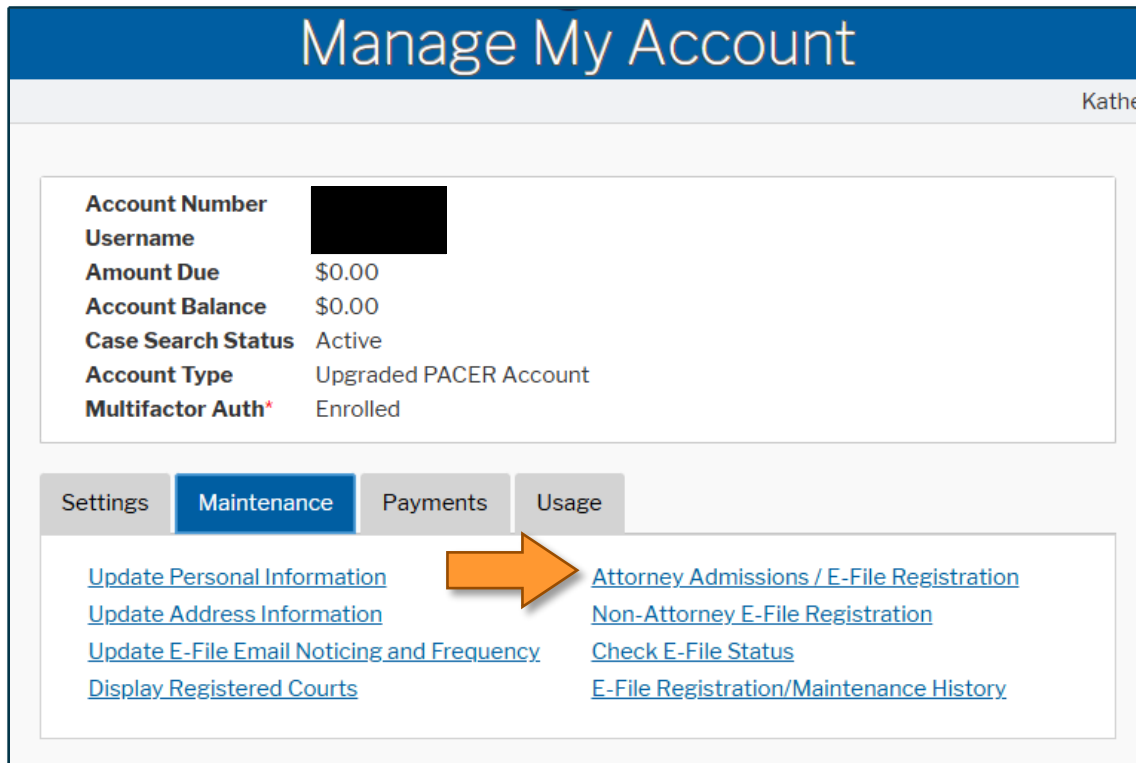
3. Leave Criminal Justice Act Attorney Panel box unchecked unless you are signing up to be appointed as pro bono counsel in cases filed by unrepresented petitioners.
4. Click “Next.”
5. Create a username that has more than eight (8) characters.
6. Enter the credit card information.
 - No fees are charged for registration, but fees are charged through PACER use, as outlined on the website.
7. Check the box indicating you have read and understand the policies and procedures.
8. Click “Submit.”
9. Check for a confirmation email noting your registration approval.
 - The email should appear within 24-48 hours.

² PACER charges \$0.10 per page for viewing, searching, or printing federal court documents, with a maximum charge of \$3.00 per document (equivalent to 30 pages). This fee is waived if a user accrues \$30.00 or less during a given quarter.

D. Register for CM/ECF (Electronic Filing)

Before starting this process, you may wish to check your status if you think you may already be registered for electronic filing in this district. You can check your registration status at: https://apps.cand.uscourts.gov/cand_ver2010/ECFRegGetName.aspx.

1. Log in to your PACER account.
2. On the “Manage My Account” landing page, select the “Maintenance” tab.
3. Click “Attorney Admissions / E-File Registration.”



4. Select Court Type “U.S. District Courts” and Court “California Northern District Court.”
5. Select “E-File Registration Only.”
6. Complete all sections of the E-File Registration form
7. Review answers and then submit.
8. You will be redirected to the “Manage My Account” landing page.

First you will be asked to review payment information. You may update this information or skip it and select “Next.”

- Next you will be presented with a few terms and requirements. You’ll be asked to read and confirm your agreement to the local e-filing requirements, terms and conditions, and requirements for e-filing. It is important to actually read these materials. It is also a good idea to download and save copies of these documents for future reference.
9. You should receive a confirmation email within a few hours, followed by another email with your password within a day. Save both of these emails.


E. Associate your PACER and CM/ECF logins

1. Go to <https://ecf.cand.uscourts.gov/cgi-bin/login.pl> to associate your CM/ECF account with your PACER account.
 - Note: “client code” is not needed to log in.
2. At the top of the page, click on “Reports,” then choose “Docket Sheet.”
3. Enter your PACER login information and check the box: “Make this my default PACER login.”

F. Apply for Admission to Practice in the District

1. Log in to CM/ECF and click the link: “California Northern District—Document Filing System.”

United States District Court



Northern District of California

Welcome to the U.S. District Court for the California Northern District

[California Northern District - Document Filing System](#)

This is a restricted government website for official court business only. All activities of CM/ECF subscribers or users of this system for any purpose, and all access attempts, may be recorded and monitored by persons authorized by the federal judiciary for improper use, protection of system security, performance of maintenance and for appropriate management by the judiciary of its systems. By subscribing to CM/ECF, users expressly consent to system monitoring and to official access to data reviewed and created by them on the system. If evidence of unlawful activity is discovered, including unauthorized access attempts, it may be reported to law enforcement officials.

REMINDER: [Civil Local Rule 5-1\(d\)\(7\)](#) sets forth the deadlines and guidance for lodging cha

2. You will be redirected to the PACER login page. Enter your login information, then you will be redirected back to CM/ECF.
3. Select Civil, then “Attorney Admissions.”

CM ECF Civil Criminal Query Reports Utilities Search Help Log Out

Civil Events

Attorney Case Opening
[Attorney Case Opening](#)
[Attorney Miscellaneous Case Opening](#)
[Attorney Sealed Case Opening](#)

Initial Pleadings and Service
[Complaints and Other Initiating Documents](#)
[Miscellaneous Initiating Documents](#)
[Service of Process](#)
[Answers to Complaints](#)
[Other Answers](#)

Motions and Related Filings
[Motions - General](#)
[Motions - Pro Se Prisoner Cases Only](#)
[Motions - Pro Se Prisoner Cases FAQ](#)
[Responses and Replies](#)
[Stipulations](#)
[Other Supporting Documents](#)

Other Filings
[ADR Documents](#)
[Notices](#)
[Trial Documents](#)
[Appeal Documents](#)
[Other Documents](#)

Attorney Admissions
[Attorney Admissions](#)

File in a Sealed Case
[File in a Sealed Case](#)

4. Select “Petition for Bar Membership” in both the left and right drop-downs and then “SUBMIT.”

Attorney Admissions

Start typing to find an event.

Available Events (click to select an event)

- Application for Refund for Petition for Bar Membership ▲
- Application for Refund for Request for Certificate of Good Standi
- Petition for Bar Membership**
- Petition for Bar Membership (Corrected/Resubmitted)
- Request for Certificate of Good Standing
- Request for Certificate of Good Standing (Corrected/Resubmitter ▼

Selected Event

Petition for Bar Membership ▼

5. Enter your California state bar number.
6. Read the warning, then click “SUBMIT” again.
7. The next few pages will ask you to certify and swear to the following:
 - a. That you are familiar with the Federal Rules of Civil and Criminal Procedure and Evidence, the Ninth Circuit Court of Appeals Rules, the District Court Local Rules, and the Alternative Dispute Resolution Programs.
 - b. That you understand and commit to abide by the Standards of Professional Conduct of the Northern District.

- c. That you swear or affirm that you will conduct yourself according to the law and support the U.S. Constitution.
 - d. When you have reviewed these rules and are familiar with them, check the box and click “SUBMIT.”
8. Pay the admission fee. At the time of writing, the admission fee is \$328.
 - a. If you have not already paid the attorney admissions fee, you will be redirected to your PACER “Manage My Account” page with the option to pay using a credit card or ACH payment. Enter your payment information and select “Next.”
 - b. If you have already paid at pay.gov, select that option. You will be prompted to enter your date of payment and the receipt number, then click “SUBMIT.”
 9. You should receive confirmation of admission within 48 hours. You can verify that you are admitted using the Attorney Bar Membership Status database:
<https://cand.uscourts.gov/attorneys/attorney-bar-membership-status>.

TROUBLESHOOTING: To confirm or correct information on past admissions, or for all other questions, contact admissioninfo@cand.uscourts.gov, or call the Attorney Admissions Deputy Clerk at 415-522-2060. For website assistance, call the CM/ECF Helpdesk at 866-638-7829.

II. Prepare Documents for Filing Day

BEFORE YOU START: Review the Northern District’s *Attorney Guide to E-Filing New Civil Cases* for instructions on civil case initiation generally. Also review the Local Rules, specifically LR 3 (Commencement and Assignment of Action); LR 7 (Motion Practice); LR 11 (Attorneys); and LR 65 (Injunctions). The Northern District has also promulgated Habeas Corpus Local Rules that you should review.

Keep in mind that, as of the time of writing, there are no ICE detention centers within the jurisdiction of the Northern District of California. Because habeas venue is proper where the petitioner is physically detained at the time of filing, *see Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024), as a practical matter this means that someone arrested within this district must file their petition within a few hours before ICE transfers them out of the district. Otherwise, you will need to file in the district where your client ends up in detention.

A. Documents required for every case

Civil Cover Sheet³ (Form CAND-44)—only required for *pro se* petitioners

Available at https://cand.uscourts.gov/sites/default/files/forms/JS-CAND-44_fillable_04-2025.pdf. In the Northern District, the Civil Cover Sheet is not required for attorney filers.

- Jurisdiction: U.S. Government Defendant

³ For more information about filling out the Civil Cover Sheet generally, see NILA, *Completing the Civil Cover Sheet* (Nov. 1, 2025), <https://immigrationlitigation.org/wp-content/uploads/2025/11/25.11.01-Civil-Cover-PA-FINAL.pdf>.

- Cause of Action: 8 USC § 2241
- Nature of Suit: 463 “Habeas Corpus Alien Detainee”
- Case Origin: Original Proceeding
- No jury demand
- Causes of Action: 8:1105(a)
- Requested in Complaint: Leave blank.
- Related Case: Complete this only if your client has another immigration-related case pending in federal court (this is rare).
- Divisional assignment: San Francisco/Oakland.
- Sign with “/s/ YOUR NAME”

Once you have filled out the form, “flatten” the PDF so it can be uploaded in CM/ECF.

Verified petition for Habeas Corpus

- The caption page should state “IMMIGRATION HABEAS” and include your client’s A number (unless you are seeking to file pseudonymously, see below).
- Must be on either numbered pleading paper or using a habeas form (in an emergency, you can use Form AO-242, a general pro se habeas petition (<https://www.uscourts.gov/forms-rules/forms/petition-a-writ-habeas-corporus-under-28-usc-ss-2241>)).
- 28 USC § 2242 requires a “verification” at the end of the petition, which verifies that the factual statements made in the habeas petition are true and correct to the best of the attorney’s knowledge.

Proposed summons (Form AO-440)

Available at <https://www.uscourts.gov/sites/default/files/ao440.pdf>.

- You must list all of the respondents and addresses. This will likely require an attachment due to space limitations.

Credit card

You will be prompted to pay the \$5 filing fee.

B. Documents you MAY need for your initial filing

Supporting evidence

Any evidence in support of the habeas corpus petition, such as declarations, EOIR orders, or ICE/CBP documents. Note that a petitioner declaration is not required because the petition is verified, but some attorneys choose to include one. If you are submitting other documents as exhibits to the petition, an attorney declaration to authenticate other exhibits is recommended.

Request for prompt injunctive relief⁴

For example:

- Notice of Motion and Motion for Temporary Restraining Order (and required accompanying documents, see LR 65-1).
- Notice of Motion and Motion for Preliminary Injunction (see LR 65-2 and 7-2).
- Application for Order to Show Cause.
- Motion to Expedite.

Proposed order for the motion for injunctive relief

Motion to proceed by pseudonym

If you want to keep your adult client's identity out of the public record, you may request to proceed by pseudonym or initials. But note you will still have to reveal your client's identity to opposing counsel and the court.

TIPS:

- **Redactions.** Fed. R. Civ. Proc. 5.2 requires redaction of the following information:
 - Social Security Numbers, except the last 4 digits
 - Month and day of any birth date
 - Full names of minors. For minor names, use initials
 - Financial account information
- **Table of contents.** Pursuant to LR 7-4, any brief exceeding 10 pages must include a table of contents and table of authorities.
- **File size.** In the Northern District, the maximum PDF file size for uploading to CM/ECF is 50 MB. Larger files will need to be split up and labeled clearly.

III. Complete This Checklist on Filing Day

A. File the Habeas Corpus petition

1. Contact the Department of Justice Civil Division

Call/email the U.S. Attorney's Office's Civil Division to tell them you're about to file a habeas petition on behalf of an immigration detainee.

Contact Info*

CAUTION: There may be cases where you do not want to put the Respondents on notice that you are filing the petition, such as an *ex parte* Motion for Temporary Restraining order. In those cases, be sure to follow Fed. R. Civ. Proc. 65(b) and LR 7-10 and 65-1 before filing an *ex parte* motion.

Pamela Johann, Acting Civil Chief
Pamela.johann@usdoj.gov

AUSA Office
415-436-7200

⁴ For more information on seeking injunctive relief, see NILA, *Litigating Injunctions in Federal Court* (Oct. 14, 2025), <https://immigrationlitigation.org/wp-content/uploads/2025/10/25.10.14-Injunction-Advisory.pdf>.

*Current at time of writing this guide but confirm before filing as personnel and contact information may change.

Your email or conversation should include the following:

- Notify the AUSA's office that you intend to file a petition, including a quick summary of the claims.
- Confirm whether you should additionally notify any other inboxes.
- If applicable, let them know if you're planning to file a motion for a Temporary Restraining Order ("TRO") and ask who you should send a copy to right after filing, to make sure it gets assigned quickly. (See **Step III.B.1.**)
- Try to get direct contact information of the attorney who will be assigned to the case, in case you need to speak to opposing counsel quickly.
- If you are able to speak directly with the AUSA who will handle the case, ask if they will either waive service under Fed. R. Civ. Proc. 4(d), or accept service on behalf of all of the respondents.

2. Open a new case on CM/ECF

Open a new case on CM/ECF.

1. Sign in to CM/ECF.
2. Click on "Civil" on top bar.
3. Click on "Attorney Case Opening."
4. A list of requirements and warnings will appear; review these and then click SUBMIT.
5. Leave "Office" and "Case type" as they are ("San Francisco" and "cv").
6. Leave "Other court" and "Other court number" blank, then click SUBMIT.
7. Enter information that would otherwise be filled out in the Civil Cover Sheet (see above).
 - Select the county where your client is detained.
 - For "fee" information, enter the status of the \$5 filing fee (due, paid, or in forma pauperis if petitioner is seeking a fee waiver). If paid, enter the date the fee was paid.
 - Click "Next."

CM ECF Civil Criminal Query Reports Utilities Search Help Log Out

Open a Civil Case

Jurisdiction 2 (U.S. Government Defendant) ▾

Cause of action 08:1105 (8:1105(a) Aliens: Habeas Corpus to Release INS Detainee) ▾ Filter: habe; Clear filter

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

Origin 1 (Original Proceeding) ▾

Citizenship plaintiff ▾

Citizenship defendant ▾

Jury demand n (None) ▾ Class action n (No Class Action Alleged) ▾ Demand (\$000)

Arbitration code ▾ County San Francisco ▾

Fee status due (due) ▾ Fee date 5/19/2026 Date transfer

SUBMIT Clear

8. Add parties
9. Enter the full name of your client and click "Search." If your client has never had a case before, select "Create New Party" and enter in their information.
10. For "Role" select, "Petitioner."
11. Do not include any other information. (The court only wants contact information if the petitioner is unrepresented.)
12. Click "Add Party."

Party Information

Last name Green First name Josephine

Middle name R Generation

Title

Role Plaintiff (pla:pty) ▾

Pro se No ▾

Prisoner Id Unit

Office

Address1

Address2

Address3

State Zip City

Country

Prison

Phone Fax

E-mail

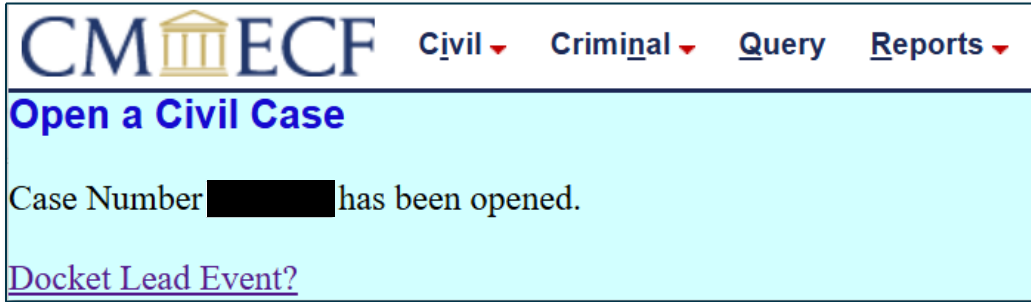
Party text

Start date 8/8/2013 End date

Corporation no ▾ Notice yes ▾

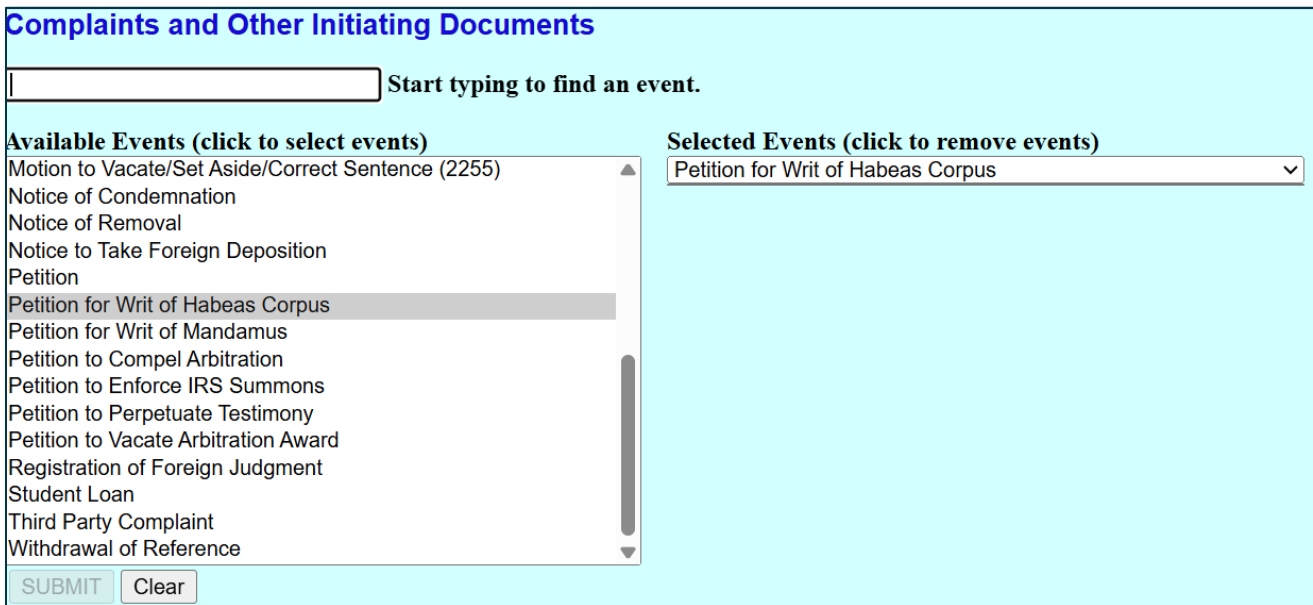
Add Party

13. Add all respondents in the order that they are listed in the petition (the first respondent’s name will be listed in the official case name). First use the search tool to see if each respondent has already been a party in the district. If their name appears (and it is the right person), simply “Select Party.” You only need to “Create New Party” if the person has never been sued in the district.
14. Once you’re done, click “create case”—you won’t be able to modify parties after this.
15. You will receive a temporary case number (YY-at-XXXX). This is not your permanent case number; do NOT add it to any documents yet.



3. File the Habeas petition on CM/ECF

1. Click either “Docket Lead Event” or “Civil” in the top banner.
 2. Select “Petition for Writ of Habeas Corpus” twice and click “SUBMIT.”
- In this step, you can select multiple documents. You only need to select “Petition for Writ of Habeas Corpus,” even if you are bringing claims under 28 USC §1331 as well.



3. Your civil case number will appear: 3:XX-cv-XXXX. Click “SUBMIT.”
4. Select your client as the party filing the complaint.

5. As the attorney filing, you will automatically be assigned as the attorney on the case. You can add additional counsel and designate one as the lead.
6. Select all respondents that the petition is filed against.
7. Upload the Habeas Petition first.
8. Then upload any supporting documents (declarations, etc.) as Attachments. Attach the Civil Cover Sheet as the last attachment.
 - When you attach, you will have the opportunity to name the attachments—this is how they will appear on the court’s record/PACER.
 - In the “Description” column, use minimal descriptors, for example, for Exhibits simply add “1,” “2,” etc.
 - If you are attaching exhibits in bulk but need to split PDFs to conform to the 50MB doc size limit, consider how you will label the parts in a way that is easily legible such as “Exhibits A-L” and “Exhibits M-Z.”

Complaints and Other Initiating Documents
5:13-cv-04517 Green v. Gate et al

MESSAGE TO FILERS: Upload the Complaint or the Notice of Removal as the Main Document. Include any exhibits to the complaint as the primary attachments. Proposed summonses, if any, should be filed as a separate docket entry and should not be uploaded during case opening. All proposed summonses may be uploaded at a later date.

Select the appropriate category for the Civil Cover Sheet and any attachments.

Select the pdf document and any attachments.

Main Document
Choose File Green_Cplt.pdf 1

Attachments	Category	Description
1. Choose File Green_Exhs_1-5.pdf	Exhibit 2	
2. Choose File Green_Exhs_6-8.pdf	Exhibit	
3. Choose File Green_Civ_Cover_Sheet.pdf	Civil Cover Sheet 3	
4. Choose File No file chosen		

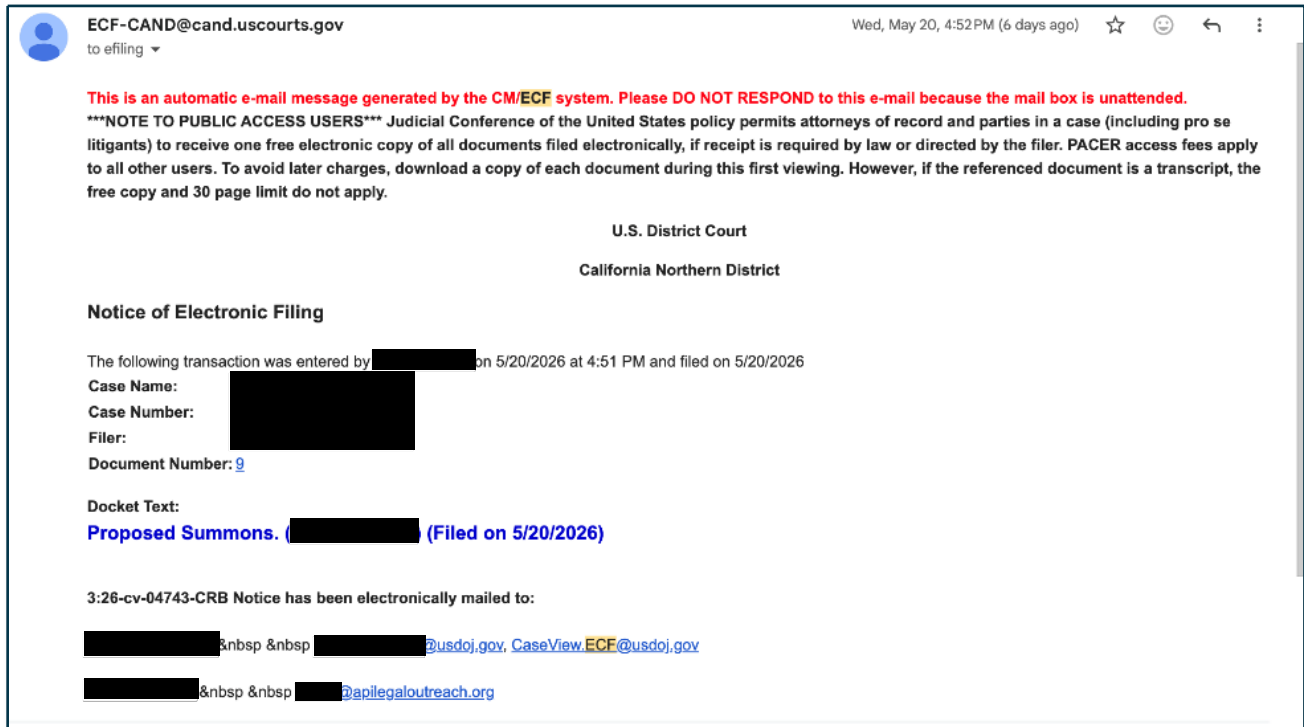
SUBMIT Clear

9. Do NOT file any Notice of Related Case, Application for Pro Hac Vice, Consent/Declination of Magistrate, or any other type of motion yet.
10. After you finalize the petition, you will be redirected to your PACER account page to pay the filing fee of \$5. The case will not be assigned to a judge until the fee is paid, if required. Once you have paid, you will be directed back to CM/ECF to finish filing.
11. Review the filing closely to make sure that you have uploaded the correct documents, then click SUBMIT.
12. The Court will assign a permanent case number (X:YY-cv-XXXX-ABC-DEF) very quickly. Once you have the permanent case number, the case is considered filed.
 - Any remaining documents, including motions for injunctive relief, must have this case number. If you are filing any other documents today, go back and add the case number into your Word documents before converting to PDFs for filing.

4. Check for an email with a link to your filed documents

You will receive an email notifying you of activity in your case, with a link to the documents you filed. Click on the link in the email to view and download the files.

This is your only opportunity to save the time-stamped document for free. If you later try to obtain the time stamped documents directly from CM/ECF you will be charged per page.



NOTE: Once the petition appears in the docket, download the petition and attachments from the CM/ECF document number and save them. Email a courtesy copy to the AUSA assigned to the case, or to the Acting Civil Chief if no attorney has been assigned yet.

5. File the Proposed Summons on CM/ECF

1. After the petition is filed and the case number assigned, you are ready to file your proposed summons. Make sure you have included the case number and that all respondents are included.
2. Start a new filing: Click “Civil” on the top menu bar, then “Other Documents,” then “Proposed Summons.” Then upload the document and any attachments.
3. The court will send you back the summons to serve on the respondents.

NOTE: If the clerk does not issue the summons within 24 hours, you can call the clerk assigned to your case number. Remember that you do not need to complete service in accordance with Fed. R. Civ. Proc. 4 immediately; you have 90 days to complete formal service. Service is addressed in **Part IV**.

6. Check the docket to determine which judge is assigned to your case

If your case has been assigned to a magistrate judge, the docket will generate a “Acceptance/Declination of Magistrate Judge” that you will need to file on CM/ECF. (<https://cand.uscourts.gov/forms/magistrate-judge-consentdeclination-form>.)

- The court may set a deadline by which parties must decide and respond by either consenting or declining magistrate jurisdiction. If you decline magistrate judge jurisdiction, the case will be reassigned to a district judge.

NOTE: Judge assignment. If you file a TRO concurrently with your habeas corpus petition, the case will not be assigned to a magistrate judge. The Northern District has adopted a policy of not assigning magistrate judges in cases where emergency relief is requested at case initiation. If the case gets assigned to a magistrate judge before you file your motion for a TRO, the case may be assigned to a magistrate judge. If you need the case to move quickly, consider declining the magistrate judge.

7. Read the Civil Standing Orders of the assigned judge

Reading the Civil Standing Orders will help you determine your next steps before filing additional documents. In particular, individual judges’ standing orders often include rules on document formatting, page limits, and TRO and *ex parte* procedures. Each judge also has their own policy on chambers copies, i.e. whether copies of filings need to be provided to chambers, either electronically or physically, in addition to CM/ECF filing. It is important to know these rules *before* you take any further action in the case.

- Standing orders for all judges: <https://cand.uscourts.gov/judges/standing-orders>.
- Additional orders at each judge’s individual web page: <https://cand.uscourts.gov/judges>.

B. File the TRO motion

N.D. Cal. Local Rule 65-1 governs Temporary Restraining Orders. This rule requires that every motion for TRO be accompanied by: (1) a copy of the complaint; (2) a separate memorandum of points and authorities in support of the motion; (3) the proposed TRO and order to show cause; (4) any additional supporting documents; and (5) a declaration by counsel certifying that notice has been provided to the opposing party, or explaining why such notice could not be provided. If your judge has a standing order related to emergency relief, ensure that you are also following the judge’s specific requirements.

NOTE: For Emergency Filings: If you are filing the motion after 4:00 pm on weekdays or on a weekend or holiday but require the immediate attention of a judge (i.e. before the next court day opens), you must complete the After Hours Notification Form which is linked in CM/ECF and available here: https://forms.office.com/pages/responsepage.aspx?id=N_BmHWaCHE2RnGfGVD01QmJywLaIXtVHIsaxkKz9VtIUQUNTS0k4WFIISjIwM0IZUExOWTdKT1dNVS4u&

If you are filing an emergency TRO during regular business hours (Mon-Fri, 9:00am – 4:00pm), call the clerk’s office at 415-522-2000.

1. Give notice to the AUSA

It is important to show that you attempted to give notice.

- If you did not already notify the AUSA's office of the TRO at **Step III.A.1**, call and email the U.S. Attorney's office and provide a copy of the TRO motion. If you know to whom the case has been assigned, contact them directly. If not, contact the Civil Chief and the general immigration habeas inbox.
- Your TRO motion must be accompanied by an affidavit explaining that notice has been provided. If you are filing an *ex parte* motion, that affidavit must explain why notice cannot be provided.

2. File on CM/ECF

1. Select "Civil"
2. Select "Motions—General"



3. Select "Temporary Restraining Order" in both drop-down menus.
4. Enter the case number

- You will be asked to enter information regarding a hearing. For TROs, you will generally leave this blank.
- Select your client's name as the filer.
 - As noted above, if you are filing the motion after 4:00 p.m. on weekdays or on a weekend or holiday but require the immediate attention of a judge (i.e. before the next court day opens), you must complete the After Hours Notification Form.

The screenshot shows the CM/ECF Motions page. At the top, there is a navigation bar with links for Civil, Criminal, Query, Reports, Utilities, Search, Help, and Log Out. Below the navigation bar, the page title is "Motions" and the user's name is redacted. The main heading is "HABEAS".

MOTIONS FOR TRO REQUIRING ACTION AFTER 4 PM ON WEEKDAYS OR ON A WEEKEND OR HOLIDAY

Important! If this motion is filed after 4 PM on weekdays or on a weekend or holiday and requires the immediate attention of a judge (before the court next opens for business), please complete the [After Hours Notification Form](#)

MOTIONS FOR TRO GENERALLY

Please alert the court to the filing of this motion for TRO by emailing or calling the [courtroom deputy clerk](#) for the judge assigned to your case.

At the bottom of the form, there are "SUBMIT" and "Clear" buttons.

7. Upload the following:

- Notice of Motion and Motion (Main Document)
- Memorandum of Points and Authorities in Support of Motion for TRO
- Proposed Order
- Any exhibits, including
 - Affidavit detailing notice, or showing why notice could not be given;
 - Affidavit in support of existence of irreparable harm.

The screenshot shows the CM/ECF Motions page with the upload interface. At the top, there is a navigation bar with links for Civil, Criminal, Query, Reports, Utilities, Search, Help, and Log Out. Below the navigation bar, the page title is "Motions" and the user's name is redacted. The main heading is "HABEAS".

Select the PDF document and any attachments.

Main Document

Choose File | TRO motion.pdf

Attachments	Category	Description
1. Choose File No file chosen		

At the bottom of the form, there are "SUBMIT" and "Clear" buttons.

3. Follow the judge’s rules regarding courtesy copies and proposed orders

- In N.D. Cal, the local rules do not require courtesy copies of filings to be provided in every case, although each individual judge has a policy on this practice.
- Check the individual civil standing orders for your particular judge (<https://cand.uscourts.gov/judges>) to determine whether standing orders are required. You can also confirm with the courtroom deputy clerk. Remember that you must include the AUSA on any email to the clerk to avoid *ex parte* communications.
- LR 5-1(f) does require that, in addition to filing the proposed order in PDF form on CM/ECF, the filer must submit a Word version of the proposed order to the judge’s chambers by email to the specific email address designated for proposed orders on the judge’s website.
- Subject line of email should state “Proposed Order” and the case number.

4. Follow up with the AUSA after filing

- Any time you speak to the AUSA, keep your case goals in mind and consider taking the opportunity to:

Educate the AUSA about the law and advocate for your client’s immediate release. Ask the AUSA to talk to ICE and/or EOIR and have them release your client immediately. Negotiate a stipulated briefing schedule.

TROUBLESHOOTING: For any other questions or help, email the CM/ECF Help Desk at ecfhelpdesk@cand.uscourts.gov or call 866-638-7829.

IV. Serve the Habeas Corpus Petition

If the AUSA did not consent to service on behalf of all respondents when you called/emailed at **Step III.A.1**, you will need to effectuate service according to Federal Rule of Civil Procedure 4. Specifically, FRCP 4(i) governs service on the government respondents, and FRCP 4(e) governs service on private individuals (such as the warden of a privately run facility). You have 90 days to complete service so you do not need to do this immediately.

Email the Habeas Petition to the U.S. Attorney’s Office’s Civil Division

You may have already done this at **Step III.A.4**.

1. Contact the civil chief, or if you know which AUSA has been assigned to the case, use that email address.
2. Email the petition (and TRO if filing). Send the copy with the ECF filing stamp on it.
3. If you haven’t already, ask the AUSA if they will accept service on behalf of all the respondents.

Serve a physical copy of the Habeas Petition

1. If the AUSA agreed to accept service on behalf of all respondents, you are done!

2. If not, mail these documents to the AUSA and to each defendant using registered mail with return receipt:
 - Summons;
 - Habeas Petition
 - Copy of the Order Setting Initial Case Management Conference and ADR deadlines issued in your docket
 - Copy of the assigned judge's order and instructions for Case Management Statement (on docket)
 - Civil Standing Orders of the Judge assigned to your case
 - Standing orders for all judges
https://cand.uscourts.gov/sites/default/files/standing-orders/Standing_Order_All_Judges-11-30-2023.pdf
 - Standing orders for individual judges about case management
<https://cand.uscourts.gov/judges/standing-orders>
 - Any additional documents that the court clerk instructs (this will appear in the case docket along with the summons). See Local Rule 4-2.
 - A copy of the Consent/Declaration of Magistrate Judge form.
3. When you have completed service, fill out the completed summons, i.e. the proof of service of summons, and file the fully completed summons in CM/ECF. Use the docketing event "Summons Returned Executed."

V. What to Expect Post-Filing:

You will receive an email notifying you of activity in your case, with a link to the documents you filed. Click on the link in the email to view and download the files. **This is the only opportunity to save the time-stamped document for free.** If you later try to obtain the time stamped documents directly from CM/ECF you will be charged per page. You can also access your docket later by selecting "Reports" then "Docket Sheet" at the top of the CM/ECF page.

Your case is not over! After these initial filings, you may have to prepare and file additional filings, such as motions to enforce; reply in support of preliminary injunction, traverse in support of habeas corpus petition, or others.

- **You will need to classify each new filing appropriately.** For example, if you are filing a reply to the AUSA's opposition, you will see an option for "Replies and Responses" under "Motions and Related Filings."
 - If "Replies and Responses" does not work, as an alternative you can select "Brief" and then specify "Reply" in the narrative box. You can also call the CM/ECF Helpdesk.
- **Certain filings will need to be "linked" to earlier filings in the docket.** For example, if you are filing an Opposition to Respondents' Motion to Dismiss, and the Motion to Dismiss is Docket # 21, you must "link" your filing to Docket # 21. Sometimes a filing is not properly labeled on the back end. If this happens and you cannot find the document type you are looking for, you can either call the ECF HelpDesk or classify the document under the category that most closely fits.

- Stay in touch with Opposing Counsel, usually an Assistant U.S. Attorney.
- Continue to review the Local Rules and judge’s standing orders for things like default briefing deadlines, document formatting, and oral argument instructions.
- If the court schedules a hearing on a pending motion, prepare, prepare, prepare!
 - Consider creating an “argument binder” with your outline and cases for reference during argument
 - Schedule a moot oral argument with colleagues
 - Talk to others who have appeared before this particular judge.



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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC’s mission is to protect and defend the fundamental rights of immigrant families and communities.

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