



# GUIDE TO FILING YOUR FIRST HABEAS CORPUS PETITION

*Central District of California*

By ILRC Attorneys<sup>1</sup>

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<sup>1</sup> The ILRC would like to thank the many partners who contributed to this comprehensive guide. In particular, thank you to Jordan Rabani-Jenkins of Santa Barbara Immigrant Legal Defense Center. If in using this resource you identify any errors or processes that may be outdated or incorrect, please contact Warren Craig, [wcraig@ilrc.org](mailto:wcraig@ilrc.org), and Kate Mahoney, [kmahoney@ilrc.org](mailto:kmahoney@ilrc.org).

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## I. Register for PACER

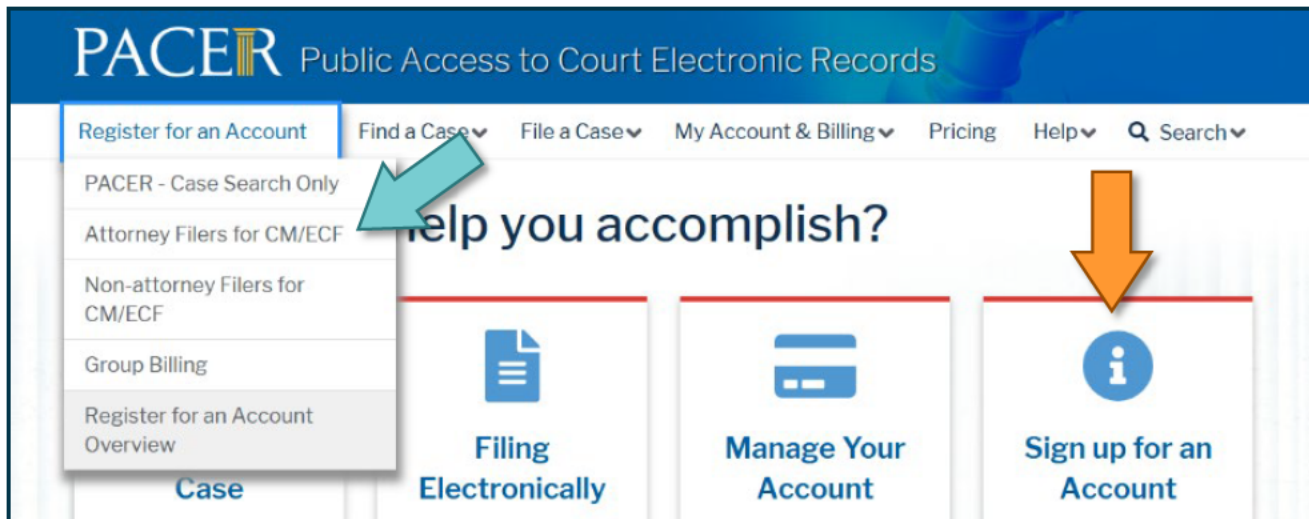
### A. Plan at least 48 hours before client needs to file

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

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

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

1. Go to [PACER.uscourts.gov](https://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 billed<sup>2</sup>):
  - **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 Panel

User Verification ☐ I'm not a robot

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.

<sup>2</sup> 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://www.cacd.uscourts.gov/attorneys/admissions/attorney-admissions-search>.

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.”

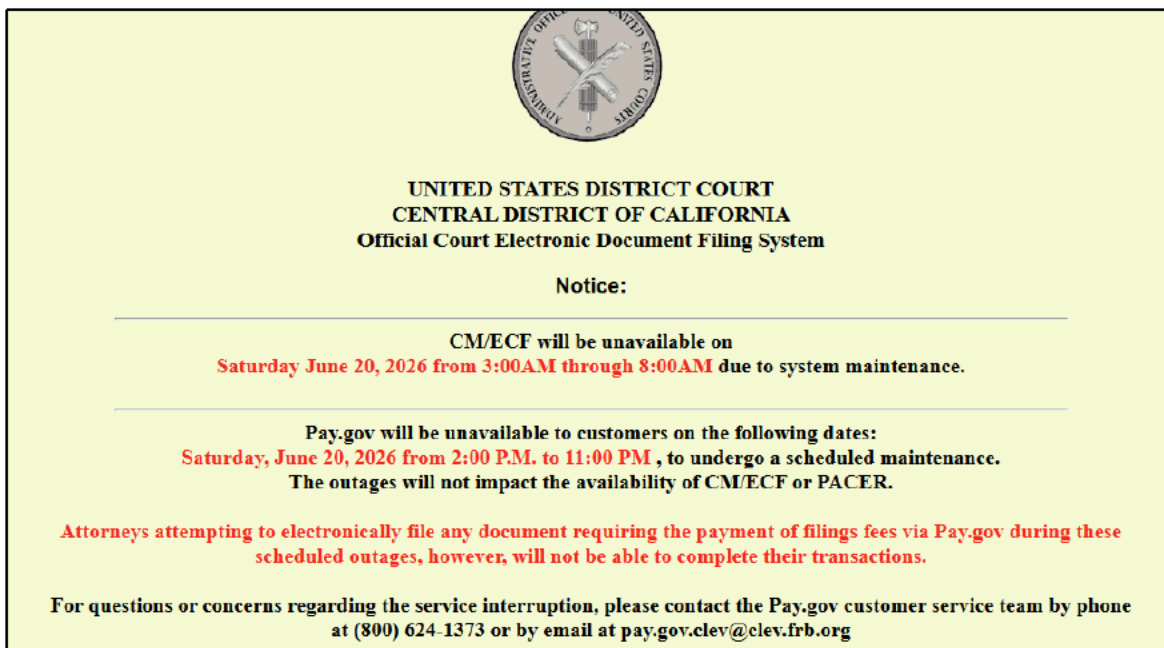
4. Select Court Type “U.S. District Courts” and Court “California Central District Court.”
5. Select “E-File Registration Only.”
6. Complete all sections of the E-File Registration form.
7. Review answers and then submit.
8. You will be redirected to the “Manage My Account” landing page.

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. You can then log in to this district at <https://ecf.cacd.uscourts.gov/cgi-bin/login.pl> and enter your log-in information.

- Note: “client code” is not needed to log in.
- You should land on a filing page that looks like this:



## E. Apply for admission to practice in the district

Admission in the Central District is processed through the Court's website, not through CM/ECF. Before you begin, if you think you may already be admitted in this district, you can confirm at this website: <https://www.cacd.uscourts.gov/attorneys/admissions/attorney-admissions-search>.

1. If you need to be admitted, first complete the application, Form G-60, which is available here: <https://apps.cacd.uscourts.gov/cm-api/dwwwroot/G-060.pdf>. This form asks for:
  - California bar number and admission date.
  - Employer name and contact information or address of residence.
  - List of other courts to which you are admitted.
  - Any history of professional discipline.
2. Once you have completed and signed Form G-60, go to <https://www.cacd.uscourts.gov/attorneys/admissions> and select "Apply Online."
3. Enter the required information and upload your Form G-60, then click "Submit."
4. Pay the admission fee. At the time of writing, the admission fee is \$281 for attorneys admitted to the California bar for less than three years and \$331 for attorneys admitted for three or more years.
  - 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."
5. You should receive confirmation of admission within 48 hours. You can verify that you are admitted using the Attorney Admissions Search referenced above.

**TROUBLESHOOTING:** To confirm or correct information on past admissions, or for all other questions, contact [cacd\\_attyadm@cacd.uscourts.gov](mailto:cacd_attyadm@cacd.uscourts.gov), or call 213-894-1565. For website assistance, call the CM/ECF Helpdesk at 866-638-7829.

## II. Prepare Documents for Filing Day

**BEFORE YOU START:** Review the Central District's *Mandatory Electronic Case Opening* for instructions on civil case initiation generally. Also review the Local Civil Rules, specifically Part II (Commencing and Action; Service of Process, Pleadings, Motions, and Orders); Part III (Pleadings and Motions); LR 65-1 (Temporary Restraining Orders and Preliminary Injunctions); F.R.Civ.P. 72-73 (Magistrate Judges); and F.R.Civ.P. 83 (Rules by District Courts; Judge's Directives).

**GENERAL ORDER 26-05:** The Central District has promulgated General Order No. 26-05 (GO 26-05), which applies to all immigration habeas petitions under 28 U.S.C. § 2241. Practitioners should carefully review this order before filing. GO 26-05 attempts to streamline the process for filing and adjudicating immigration habeas corpus petitions by establishing the following:

- **Magistrate jurisdiction:** The United States Attorney's Office (AUSA) has consented to Magistrate Judge jurisdiction in every § 2241 immigration petition, although it may withdraw consent in a particular case. Thus, if the petitioner consents to Magistrate jurisdiction at case initiation, the case will be initially assigned to a Magistrate Judge.
- **Service of process:** The clerk's office will automatically serve the AUSA with the petition and this satisfies service of process under Fed. R. Civ. Proc. 4. No additional service by the petitioner is necessary.
- **Briefing schedule:** Immigration habeas cases will have a default briefing schedule, under which respondents must file their answer within seven days after the clerk issues the scheduling notice, and petitioner must file their reply within three days after the answer (14 days if unrepresented). Judges maintain discretion to modify the standard scheduling order.
- **Motions for injunctive relief:** GO 26-05 discourages requests for TROs and/or preliminary injunctions, reasoning that the expedited briefing schedule will alleviate the need for prompt interim relief except where "the petitioner alleges imminent, irreparable harm that cannot be addressed by the standard scheduling order or by expediting the briefing schedule."
- **Notice of Intent to Transfer:** GO 26-05 requires that the government must provide at least two court days' notice to the petitioner, counsel, and the court, of any intent to transfer the petitioner out of the district. This notice requirement only applies where a habeas petition is already pending.

## A. Documents required for every case

### Civil Cover Sheet<sup>3</sup> (Form CV-071)

Available at <https://www.cacd.uscourts.gov/sites/default/files/documents/GO-26-05.pdf>.

- Basis of Jurisdiction: U.S. Government Defendant
- Citizenship of Principal Parties: Leave Blank
- Origin: Original Proceeding
- Requested in Complaint: No
- Cause of Action: 8 USC § 2241
- Nature of Suit: 463 “Habeas Corpus Alien Detainee”
- Venue: No for Questions A & B; Yes for Question C; Question D will depend on where your client is detained (if detained at Adelanto/Desert View Annex, check Box B for Plaintiffs; check Box C for Defendants); follow directions for questions D.1-F.
- Identical/Related Case: Complete this only if your client has another immigration-related case pending in federal court (this is rare).
- Statewide or Nationwide relief: No
- 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 “PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241” 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 CV-27A, a general pro se habeas petition, which can be found at <https://apps.cacd.uscourts.gov/cm-api/dwwwroot/Pro%20Se%20Packet%206.pdf>).
- 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.
- Note that in the Central District, it is not necessary to file a proposed summons or otherwise serve or notify the government when filing a petition for a habeas corpus; rather, the clerk’s office will serve the government via email.

### Credit card

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

<sup>3</sup> 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>.

## 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.

### Temporary Restraining Order<sup>4</sup> (TRO)

As noted above, GO 26-05(3) discourages TROs and urges that TROs should only be requested in cases “where the petitioner alleges imminent, irreparable harm that cannot be addressed by the standard scheduling order or by expediting the briefing schedule.” Once a petition is filed, GO 26-05(6) also requires the government to provide at least two court days’ notice to the petitioner, their counsel, and the court of its intent to transfer the petitioner out of the Central District. If you have reason to believe that transfer out of the district may be imminent, this may be a reason to request a TRO notwithstanding the GO.

If filing an application for TRO, practitioners must comply with Fed. R. Civ. Proc. 65, LR 65-1, and LR 7-19. Practitioners must submit the following documents:

- Motion for TRO and memorandum containing the name, address, telephone number and e-mail address of counsel for the opposing party; an explanation of why you are filing ex parte, if applicable; and points and authorities in support thereof;
- An attorney declaration setting forth the facts and certification required by Fed. R. Civ. Proc. 65(b)(1), accompanied by any exhibits;
- A proposed TRO; and
- A proposed order to show cause why a preliminary injunction should not issue.

### Motion to proceed by pseudonym

If you want to keep your adult client’s identity out of the public record, you may file a motion to proceed by pseudonym or initials. But note you will still have to disclose your client’s identity to opposing counsel. You must also submit a proposed order with the motion.

#### TIPS:

- **Redactions.** Together, Fed. R. Civ. Proc. 5.2 and LR 5.2-1 require 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
  - Passport numbers

<sup>4</sup> For more information on TROs and other forms of 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>.

- Driver license numbers
- Home address should contain only city and state
- While not required, if you are filing using a motion to proceed by pseudonym, you should redact any personally identifying information on the exhibits.
- **Table of contents.** Pursuant to LR 11-8, any brief exceeding 10 pages must include a table of contents and table of authorities.
- **File size.** In the Central District, the maximum PDF file size for uploading to CM/ECF is 35 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. Open a new case on CM/ECF

1. Sign in to CM/ECF.
2. Click on “Civil” on top bar.
3. Click on “Open a Civil Case.”
4. A list of notices will appear on several screens; review these and then click NEXT.
5. Check the appropriate office (see Civil Cover Page for instructions on selecting the correct venue); choose “cv” for case type; leave “Other court” and “Other court number” blank, then click NEXT.
6. Enter information that corresponds to the Civil Cover Sheet (see above).
  - Select the county where your client is detained.
  - For “fee status,” enter the status of the \$5 filing fee, which will be “fd” (Fee Due).

**Open a Civil Case**

The information required to complete the fields on this screen is found on the completed Civil Cover Sheet (CV-71).

For the **County** field, select the residence of the first plaintiff.

If the United States government is a plaintiff, select the residence of the first defendant.

In land condemnation cases, use the location of the tract of land involved.

Leave the **Arbitration code** and **Date transfer** fields blank.

Do not alter the **Fee status** or **Fee date** fields.

|                                                                          |                                                                      |                                                   |
|--------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------|
| <b>Jurisdiction</b>                                                      | 2 (U.S. Government Defendant) ▼                                      |                                                   |
| <b>Cause of action</b>                                                   | 08:1105 (08:1105(a) Aliens: Habeas Corpus to Release INS Detainee) ▼ | Filter: <input type="text"/> Clear filter         |
| <b>Nature of suit</b>                                                    | 463 (Habeas Corpus - Alien Detainee) ▼                               | Filter: <input type="text"/> Clear filter         |
| <b>Origin</b>                                                            | 1 (Original Proceeding) ▼                                            |                                                   |
| <b>Citizenship plaintiff</b>                                             | ▼                                                                    |                                                   |
| <b>Citizenship defendant</b>                                             | ▼                                                                    |                                                   |
| <b>Jury demand</b>                                                       | n (None) ▼                                                           | <b>Class action</b> n (No Class Action Alleged) ▼ |
| <b>Demand (\$0000)</b>                                                   | <input type="text"/>                                                 |                                                   |
| <b>Arbitration code</b>                                                  | ▼                                                                    | <b>County</b> San Bernardino ▼                    |
| <b>Fee status</b> fd (Fee Due) ▼                                         | <b>Fee date</b> 6/5/2026                                             | <b>Date transfer</b> <input type="text"/>         |
| <input type="button" value="NEXT"/> <input type="button" value="Clear"/> |                                                                      |                                                   |

7. Click “NEXT”
8. Consent or decline to consent to magistrate judge jurisdiction

**MAGISTRATE JUDGE JURISDICTION:** Consenting to Magistrate Judge jurisdiction is optional. If both parties consent, the case will be assigned to a Magistrate Judge, rather than a District Judge, and the Magistrate Judge will preside over all matters of the case. As noted above, GO 26-05 discusses Magistrate Judge assignment and provides that the AUSA’s office automatically consents to Magistrate jurisdiction in all immigration habeas petitions, subject to its reserved right to withdraw consent in a particular case. If a party declines consent, the case will be assigned to a District Judge and referred to a new Magistrate Judge, which may require a lengthy report and recommendation process.

9. Add parties
  - Enter the full name (or initials, if proceeding using a pseudonym) of your client and click “Search.” If your client has never had a case before, select “Create New Party” and enter in their information.
  - For “Role” select, “Petitioner.”
  - Do not include any other information. (The court only wants contact information if the petitioner is unrepresented.)
  - Click “Add Party.”

The screenshot shows a web form titled "Party Information". A red rectangle highlights the top section containing fields for Last name (Fakename), First name (Test), Middle name, and Generation. Below this is a dropdown menu for Role, currently set to "Petitioner (pet:pty)". A large red X is superimposed over the lower portion of the form, which includes fields for Prisoner Id, Unit, Office, Address1, Address2, Address3, State, Zip, City, Prison, Phone, E-mail, Party text, Start date (6/12/2026), End date, Corporation (no), and Notice (yes). At the bottom left is an "Add Party" button.

10. 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.

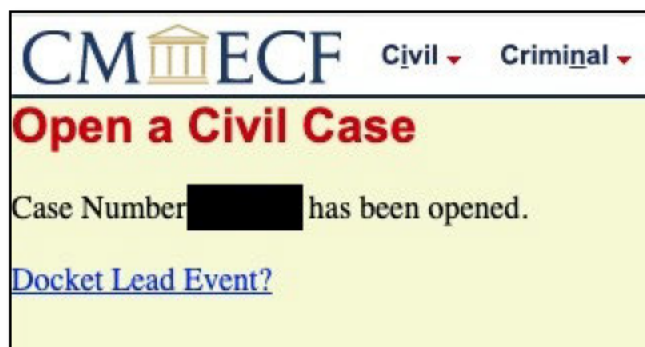
**RESPONDENTS/DEFENDANTS:** In the Central District, you should always add the following persons as Defendants (also called “Respondents”) in a habeas matter<sup>5</sup>:

- Los Angeles ICE Field Office Director: Ernesto Santacruz, Jr.
- Acting Director, Immigration & Customs Enforcement: David Venturella
- Secretary, Department of Homeland Security: Markwayne Mullin
- Acting Attorney General<sup>6</sup>: Todd Blanche

If your client is detained at the Adelanto ICE Processing Center or Desert View Annex, add the warden:

- Fereti Semaia, Warden, Adelanto ICE Processing Center

11. Once you’re finished, click “create case”—you won’t be able to modify parties after this.
12. You will then receive a case number. Add this number to your habeas petition.



## 2. File the Habeas petition on CM/ECF

1. Click on Docket Lead Event
  2. Your case number will appear. Click “NEXT.”
  3. Select “Petition for Writ of Habeas Corpus” and click “NEXT.”
- 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.

<sup>5</sup> The individuals listed occupy these roles at the time of writing. Practitioners should confirm before filing as the individuals occupying these roles may change.

<sup>6</sup> Some attorneys only include the Attorney General if they are requesting a bond hearing as a remedy; others do so in all cases because the Executive Office for Immigration Review, which has jurisdiction over the petitioner’s immigration court proceedings, is housed in the Department of Justice.

CM/ECF Civil Criminal Query Reports Utilities Search Help Log Out

## Complaints and Other Initiating Documents

Available Events (click to select an event)

- Crossclaim
- Intervenor Complaint
- MISC - Motion Related to Subpoena from Another District
- MISC - Notice of Receivership (28 USC 754)
- MISC - Other Miscellaneous Case
- MISC - Receipt of Letters Rogatory (Foreign Judicial Assistance)
- MISC - Registration of Judgment from Another District (AO-451)
- MISC - Subpoena to Identify Infringer (DMCA)
- Motion to Vacate, Set Aside, or Correct Sentence (28:2255) (Atto
- Motion to Withdraw Bankruptcy Reference (Attorney Civil Case C
- Notice of Removal (Attorney Civil Case Opening)
- Petition (Attorney Civil Case Opening)
- Petition for Writ of Habeas Corpus (Attorney Civil Case Opening)**
- Request for Appointment of Counsel/Stay of Execution (Attorney
- Third Party Complaint

Selected Event

Petition for Writ of Habeas Corpus (Attorney Civil Case Opening)

NEXT Clear

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. Click "NEXT."
  6. Enter "Petitioner" as role of the party and then click "NEXT."
  7. Select all respondents that the petition is filed against.
  8. Click on "Petition for Writ of Habeas Corpus by a Person in Federal Custody (28 USC 2241)" and then click "NEXT."
  9. Check "no" to the question, "Does this habeas petition relate to an underlying conviction in the Central District of California?"
  10. Upload the Habeas Petition first.
  11. Then upload any supporting documents (declarations, etc.) as Attachments. DO NOT attach the civil cover sheet as an attachment (this will be filed separately).
- 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.

CM/ECF Civil Criminal Query Reports Utilities Search Help Log Out

## Complaints and Other Initiating Documents

Upload the Petition in the **Main Document** section and any exhibits to your petition in the **Attachments** section.

Other documents (e.g., Civil Cover Sheet (CV-71), Request for Appointment Counsel/Stay of Execution, Motions, Notice of Related Case(s), etc.) are each to be electronically filed separately using the events designated for those documents.

Select the PDF document and any attachments.

**Main Document**

Choose File [Redacted] ...s Petition.pdf

**Attachments**

| Attachments                   | Category | Description |
|-------------------------------|----------|-------------|
| 1. Choose File No file chosen |          |             |

NEXT Clear

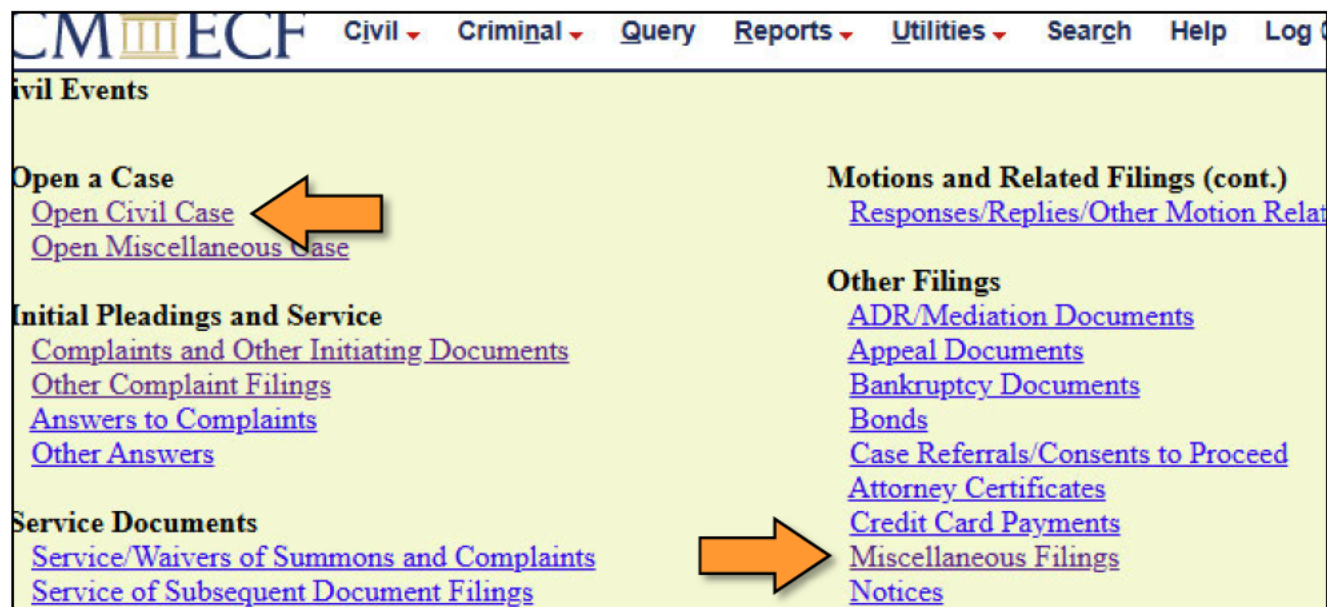
- If you are attaching exhibits in bulk but need to split PDFs to conform to the 35 MB doc size limit, consider how you will label the parts in a way that is easily legible such as “Exhibits A-L” and “Exhibits M-Z.”
12. Do NOT file any Notice of Related Case, Application for Pro Hac Vice, or any other type of motion yet.
  13. Click ‘NEXT.’
  14. The next page will ask if you are submitting a TRO. Check yes or no depending on whether you will be filing a TRO at the time of filing the petition (if so, you will file this after you file the civil cover sheet below).

### 3. Pay the filing fee

1. Check “Pay filing fee (credit card required).”
2. Click “NEXT.”
3. 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. Once you have paid, you will be directed back to CM/ECF to finish filing.
4. Review the filing closely to make sure that you have uploaded the correct documents, then click SUBMIT.
5. You will be directed to a screen confirming the filing.
6. You will also receive an email confirming that the petition was filed. Download the filed petition and all documents and save them for your records.

### 4. File the Civil Cover Sheet

1. Select “Civil” on the top menu bar, then select “Miscellaneous Filings.”



2. Enter your case number and click “Next.”
3. Select “Civil Cover Sheet” in both drop downs, then click “Next.”

(AGRx), **CLOSED**, DISCOVERY, PROTORD, REEVAC, SM

Available Events (click to select an event)

- Acceptance of Offer of Judgment
- Affidavit
- Affidavit and Request for Issuance of Writ of Execution
- Amended Document (Non-Motion)
- Amicus Curiae Brief
- Appendix
- Brief (non-motion non-appeal)
- Civil Cover Sheet (CV-71)**
- Corporate Disclosure Statement
- Declaration
- Disclaimer
- Disclosure
- Errata
- Exhibit (non-trial)
- Joinder

Selected Event

Civil Cover Sheet (CV-71)

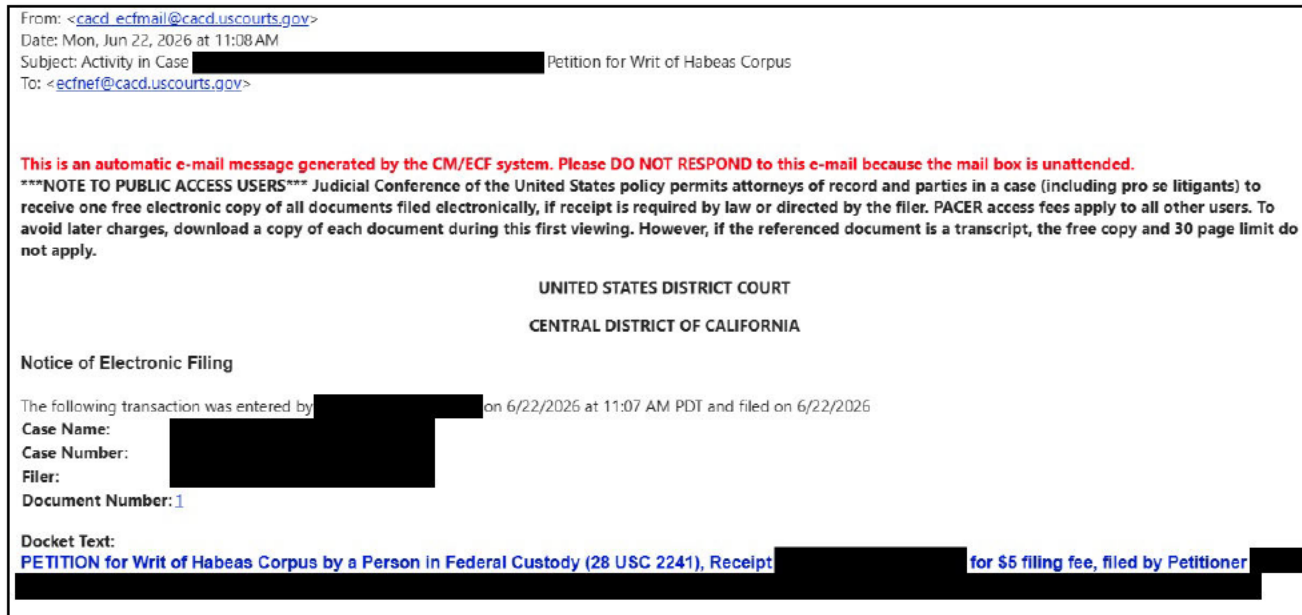
NEXT Clear

4. Upload the Civil Cover Page. Click "NEXT."
5. Select your client as the filer and click "NEXT."
6. Check no to the question, "Is this an amended Civil Cover Sheet?"
7. Check no to the question, "Does this case involve Lemon Law violations ...?"
8. Click "NEXT."
9. Review to make sure the filing is correct and click "NEXT."
10. You will be directed to a screen confirming the filing.
11. You can now upload any other documents you want to file by clicking on "Civil" on the top menu bar and selecting the appropriate filing. Any additional documents you file must contain the assigned case number on the cover page.

## 5. 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.



You will also shortly receive an email notifying you of which district judge and/or magistrate judge is assigned to the case.

## 6. Check the docket to determine which judge is assigned to your case and 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://www.cacd.uscourts.gov/court-procedures/general-orders>.
- Additional orders at each judge's individual web page: <https://apps.cacd.uscourts.gov/Jps/>.

## B. File the TRO motion

As noted above, review GO 26-05 when assessing whether to request a TRO in your case. C.D. Cal. Local Rule 65-1 governs TROs and Local Rule 7-19 governs ex parte applications. If your judge has a standing order related to emergency relief, ensure that you are also following the judge's specific requirements. Under Local Rule 65-1, a party seeking a TRO must include:

1. The motion, which pursuant to Local Rule 7-19, must be accompanied by a memorandum containing, if known, the name, address, telephone number and e-mail address of counsel for the opposing party, the reasons for the seeking of an ex parte order, and points and authorities in support thereof.

- Pursuant to Local Rule 11-6.1, the brief may not exceed 7,000 words and must contain a certificate of compliance pursuant to Local Rule 11-6.2;
- 2. A declaration from the attorney setting forth the immediate and irreparable harm that will result to the client before the government can be heard in opposition, and a certification of any efforts made to give the government notice;
- 3. The proposed TRO; and
- 4. A proposed order to show cause why a preliminary injunction should not issue.

Attorneys may also include any other relevant supporting documents.

**EMERGENCY FILINGS:** If you are filing the motion after 4:30pm 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 call the court at (213) 894-0038 leave a voicemail with the information provided on the court's website: <https://www.cacd.uscourts.gov/court-procedures/filing-procedures/emergency-filing-procedures>.

If you are filing an emergency TRO during regular business hours (Mon-Fri, 9:00am–4:30pm), you should call the judge's courtroom deputy (phone numbers available on the C.D. Cal website) or, if the case has not yet been assigned, contact the clerk's office for the division where the case is pending: Western Division—(213) 894-3535; Eastern Division—(951) 328-4470; or Southern Division—(714) 338-4786.

## 1. Give notice to the AUSA

As noted, your TRO motion must be accompanied by a declaration explaining that notice has been provided.

| You must show you've attempted to give notice. |                                                                                                                                                                      |      |                                                                                                                                                                                                                                           |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If                                             | An Assistant U.S. Attorney (AUSA) has already entered an appearance<br><br>OR<br>An Assistant U.S. Attorney (AUSA) has otherwise been in communication with you, ... | Then | <ul style="list-style-type: none"> <li>• Call the AUSA, and</li> <li>• Send them a copy of the TRO motion, and</li> <li>• Send them all attachments via email.</li> </ul>                                                                 |
| If                                             | No AUSA has yet been assigned, ...                                                                                                                                   | Then | <ul style="list-style-type: none"> <li>• Call the U.S. Attorney's Office at (213) 894-2400, and</li> <li>• Email the motion and all attachments to <a href="mailto:USACAC.ImmHabeas@usdoj.gov">USACAC.ImmHabeas@usdoj.gov</a>.</li> </ul> |
| If                                             | You are proceeding using a pseudonym, ...                                                                                                                            | Then | <ul style="list-style-type: none"> <li>• You must still inform the U.S. Attorney's Office of your client's name and A number.</li> </ul>                                                                                                  |

## 2. File on CM/ECF

1. Select "Civil"
2. Select "Applications/Ex Parte Applications/Motions/Petitions/Requests"

## Civil Events

### Open a Case

[Open Civil Case](#)

[Open Miscellaneous Case](#)

### Initial Pleadings and Service

[Complaints and Other Initiating Documents](#)

[Other Complaint Filings](#)

[Answers to Complaints](#)

[Other Answers](#)

### Service Documents

[Service/Waivers of Summons and Complaints](#)

[Service of Subsequent Document Filings](#)

### Motions and Related Filings

[Applications/Ex Parte Applications/Motions/Petitions/Requests](#)

[DISCOVERY Applications](#)

[DISCOVERY Exparte Applications](#)

3. Enter the case number.
4. Select "Ex Parte Application."
5. Select "Temporary Restraining Order" from the drop-down menu.
6. Select your client's name as the filer.
7. Enter "Petitioner" for the role of the filer.
8. Upload the following:
  - TRO Motion (Main Document)
  - Memorandum of Points and Authorities in Support of Motion for TRO
  - Proposed TRO
  - Proposed Order to Show Cause
  - Any exhibits, including
    - Affidavit detailing notice, or showing why notice could not be given;
    - Affidavit in support of existence of irreparable harm.

CM/ECF Civil Criminal Query Reports Utilities Search Help Log Out

## Applications/Ex Parte Applications/Motions/Petitions/Requests

ACCO,TRO,194

Select the PDF document and any attachments.

**Main Document**

Choose File TRO Motion.pdf

| Attachments                   | Category | Description |
|-------------------------------|----------|-------------|
| 1. Choose File No file chosen |          |             |

NEXT Clear

9. You will be instructed to contact the court to provide notice of the pending TRO, which you should do immediately after filing. Click "NEXT."
10. You will be asked "Temporary Restraining Order as to what?" Leave blank and click "NEXT."
11. Check "yes" to indicate that this is an Ex Parte Application for Temporary Restraining Order.
12. Do not set a hearing date. Leave blank and click "Next."
13. The next screen will give you the option to modify the title of the filing. Leave blank and click "Next."
14. Verify that the filing is correct and then click "Next" to submit.

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

- In C.D. Cal, Local Rule 5-4.5 requires a mandatory chambers' copy (i.e., a paper copy of an electronically filed document) to be delivered to the chambers of the assigned judge no later than 12pm on the following business day **unless the judge's standing order provides otherwise.**
- Most judges also 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. Remember that you must include the AUSA on any email to the clerk to avoid ex parte communications.

#### 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:
  - a. **Educate the AUSA about the law** and advocate for your client's immediate release.
  - b. Ask the AUSA to talk to ICE and/or EOIR and have them release your client immediately.
  - c. Negotiate a jointly stipulated briefing schedule.

**TROUBLESHOOTING:** For any other questions or help, email the CM/ECF Help Desk at [ecfhelpdesk@cacd.uscourts.gov](mailto:ecfhelpdesk@cacd.uscourts.gov) or call 213-894-0242.

### IV. 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.

After filing, your first step should be to **contact the Enforcement and Removal Operations (ERO)** division of ICE to let them know your client has a pending habeas petition and remind them that, pursuant to GO 26-05, your client may not be transferred or removed from the Central District unless the government provides at least two court days' notice to you, your client, and the court of its intent to remove your client from the Central District. If your client is detained at Adelanto ICE Processing Center or Desert View Annex, you should contact the assigned deportation officer (DO). You can contact a client's DO by emailing #APCERO000-500@ice.dhs.gov or #APCERO501-999@ice.dhs.gov, depending on the last three digits of the client's A-number. You may also request a DO's phone number by calling (760) 561-6100. If your client was only recently detained or you cannot reach the DO, you can contact the Los Angeles Field Office by email at [LosAngeles.Outreach@ice.dhs.gov](mailto:LosAngeles.Outreach@ice.dhs.gov) or by phone at 213-830-7911.

Unless the judge sets an alternative schedule, GO 26-05 establishes the following **briefing schedule** for immigration habeas petitions:

- **Notice of appearance** (for AUSAs): three calendar days after the clerk's office issues the scheduling notice.
- **Government's answer:** seven calendar days after the clerk's office issues the scheduling notice. Any argument that the petition should be dismissed shall be made in the answer and not by separate motion.
- **Petitioner's Reply:** three calendar days after the filing of the answer, except pro se petitioners have 14 days from service of the answer.

Once the reply is filed, the case will be submitted for final disposition. No hearing is required, but a judge has discretion to set a hearing in appropriate cases. If the court schedules a hearing, 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.

In addition to filing a reply brief, you may have to prepare and file additional filings, such as a motion for TRO, a status update, a motion to enforce, 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 “Responses/Replies/Other Motion Related Documents” under “Motions and Related Filings.”
- **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 Help Desk or classify the document under the category that most closely fits.
- Stay in touch with opposing counsel.
- Continue to review the Local Rules and judge’s standing orders for things like document formatting and, if applicable, oral argument instructions.



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#### Washington D.C.

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#### Houston

#### San Antonio

### 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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