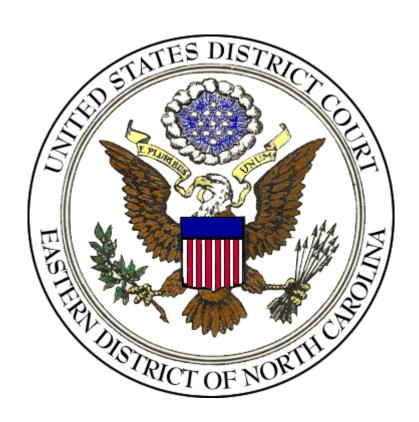# "HOW TO" GUIDE FOR OPENING A HABEAS CORPUS CASE

TIPS FOR FILING IN 28 U.S.C. § 2241 MATTERS AND FOR 28 U.S.C. § 2254 MATTERS

The following steps should be followed when filing a Petition for Writ of Habeas Corpus.
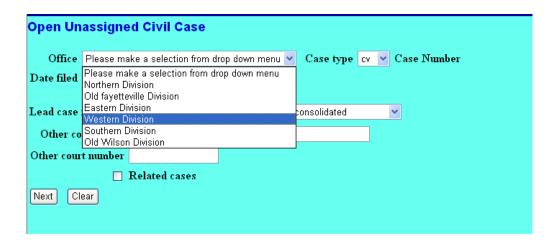
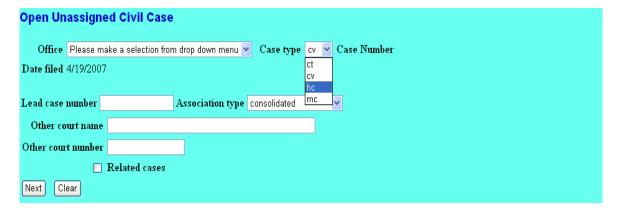1.   Go to *Civil* on the blue bar located at the top of the screen.
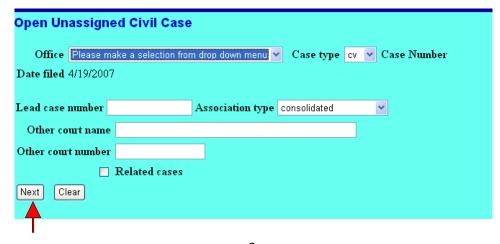

2.   Select *Atty Open CV Case*

3.   In the *Office* field , select Western Division. NOTE: All of these cases should be filed
 in the Western (Raleigh) Division.

Open Unassigned Civil Case

Office [Please make a selection from drop down menu ▾] Case type [cv ▾] Case Number

Date filed

Please make a selection from drop down menu
Northern Division
Old fayetteville Division
Eastern Division
Western Division
Southern Division
Old Wilson Division

Lead case   consolidated ▾

Other co

Other court number [   ]

☐ **Related cases**

[Next] [Clear]

4.   In the *Case type* field, select HC.

Open Unassigned Civil Case

Office [Please make a selection from drop down menu ▾] Case type [cv ▾] Case Number

Date filed 4/19/2007

ct
cv
hc
mc

Lead case number [   ] Association type [consolidated   ]

Other court name [   ]

Other court number [   ]

☐ **Related cases**

[Next] [Clear]

5.   Click on *Next*

Open Unassigned Civil Case

Office [Please make a selection from drop down menu ▾] Case type [cv ▾] Case Number

Date filed 4/19/2007

Lead case number [   ] Association type [consolidated   ▾]

Other court name [   ]

Other court number [   ]
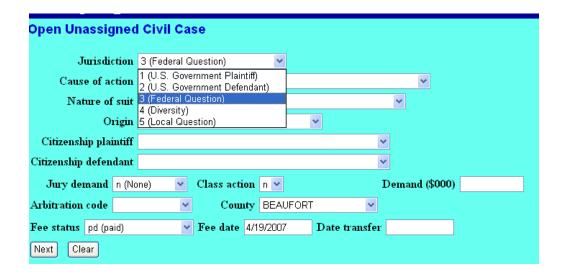
☐ **Related cases**

[Next] [Clear]

6. In the *Jurisdiction* field:
    a. Select *2 (U.S. Government Defendant)* if filing a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241

Open Unassigned Civil Case

Jurisdiction	3 (Federal Question)

1 (U.S. Government Plaintiff)
2 (U.S. Government Defendant)
3 (Federal Question)
4 (Diversity)
5 (Local Question)

Cause of action

Nature of suit

Origin

Citizenship plaintiff

Citizenship defendant

Jury demand n (None)   Class action n   Demand ($000)

Arbitration code   County BEAUFORT

Fee status pd (paid)   Fee date 4/19/2007   Date transfer

Next Clear

or

b. Select *3(Federal Question)* if filing a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254
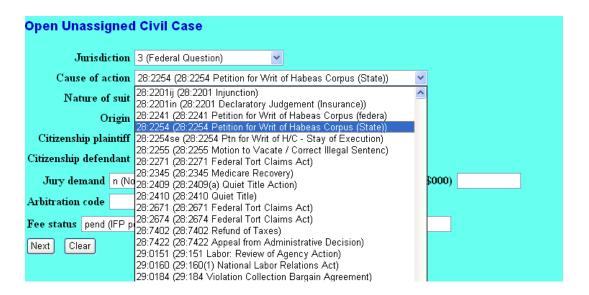
Open Unassigned Civil Case

Jurisdiction	3 (Federal Question)

1 (U.S. Government Plaintiff)
2 (U.S. Government Defendant)
3 (Federal Question)
4 (Diversity)
5 (Local Question)

Cause of action

Nature of suit

Origin

Citizenship plaintiff

Citizenship defendant

Jury demand n (None)   Class action n   Demand ($000)

Arbitration code   County BEAUFORT

Fee status pd (paid)   Fee date 4/19/2007   Date transfer

Next Clear

7. In the *Cause of action* field:
   a. Select *28:2241 (28:2241 Petition for Writ of Habeas Corpus (federa)*

Open Unassigned Civil Case

Jurisdiction	2 (U.S. Government Defendant)
Cause of action	0 (No cause code entered)

28:1446pd (28:1446 Petition for Removal- Property Damage (P.I)
28:1446pi (28:1446 Petition for Removal- Personal Injury)
28:1446pl (28:1446pl Petition for Removal - Product Liability)
28:1446pr (28:1446 Petition for Removal)
28:1452 (28:1452 R&R re motions to remand (non-core))
28:1651 (28:1651 Petition for Writ of Coram Nobis)
28:1651hc (28:1651 Petition for Writ of Habeas Corpus)
28:1651mn (28:1651 Petition for Writ of Mandamus)
28:1983 (28:1983 Civil Rights)
28:2201 (28:2201 Constitutionality of State Statute(s))
28:2201dj (28:2201 Declaratory Judgement)
28:2201ij (28:2201 Injunction)
28:2201in (28:2201 Declaratory Judgement (Insurance))
28:2241 (28:2241 Petition for Writ of Habeas Corpus (federa)

or

   b. Select *28:2254 (28:2254 Petition for Writ of Habeas Corpus (State))*

Open Unassigned Civil Case

Jurisdiction	3 (Federal Question)
Cause of action	28:2254 (28:2254 Petition for Writ of Habeas Corpus (State))

28:2201ij (28:2201 Injunction)
28:2201in (28:2201 Declaratory Judgement (Insurance))
28:2241 (28:2241 Petition for Writ of Habeas Corpus (federa)
28:2254 (28:2254 Petition for Writ of Habeas Corpus (State))
28:2254se (28:2254 Ptn for Writ of H/C - Stay of Execution)
28:2255 (28:2255 Motion to Vacate / Correct Illegal Sentenc)
28:2271 (28:2271 Federal Tort Claims Act)
28:2345 (28:2345 Medicare Recovery)
28:2409 (28:2409(a) Quiet Title Action)
28:2410 (28:2410 Quiet Title)
28:2671 (28:2671 Federal Tort Claims Act)
28:2674 (28:2674 Federal Tort Claims Act)
28:7402 (28:7402 Refund of Taxes)
28:7422 (28:7422 Appeal from Administrative Decision)
29:0151 (29:151 Labor: Review of Agency Action)
29:0160 (29:160(1) National Labor Relations Act)
29:0184 (29:184 Violation Collection Bargain Agreement)

5

8.   In the *Nature of suit* field, select *530 Habeas Corpus) General* NOTE: If the 2254 is arising from a Capital Case, the select *535 (Death Penalty - Habeas Corpus)*

9.   In the *Origin* field, make sure the selection is still *1 (Original Proceeding)*

10. Skip the following boxes - Citizenship plaintiff, Citizenship defendant, Jury demand, Class action, Demand, Arbitration code

11. I
n the *County* field, select the county where the petitioner is currently housed. If the petitioner is house in a facility that is located in a county that is not listed, please select "xx U.S. Outside District". Please note that in 28 U.S.C. § 2254 cases, pursuant to a Standing Order, petitions should be filed within the district where the judgment was entered. For example, if the petitioner was sentenced in Pitt county, the petition should be filed with the Eastern District of North Carolina; however, if the petitioner was sentenced in Forsyth county, the petition should be file with the Middle District of North Carolina.

12.   In the *Fee status* field:
  a.   Select *pd (paid)* if paying the $5.00 filing fee

or

  b.   Select *pending (IFP pending)* if filing a motion to proceed in forma pauperis.

13.   Skip the following boxes - Fee Date, Date Transfer
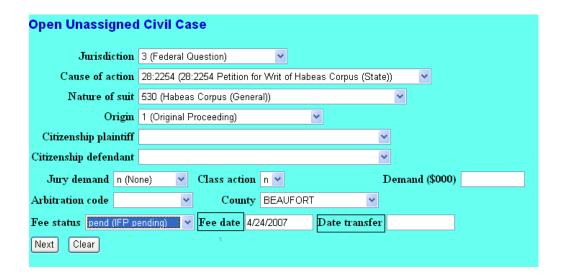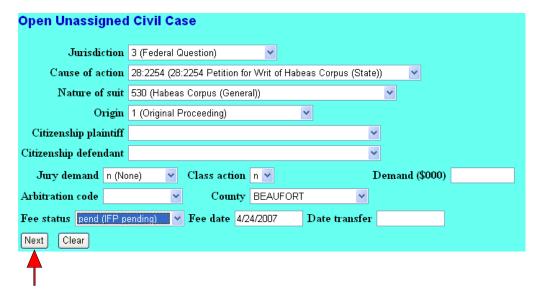
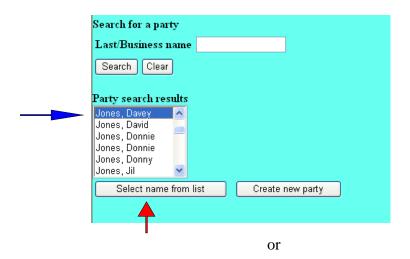**Open Unassigned Civil Case**

Jurisdiction	3 (Federal Question)
Cause of action	28:2254 (28:2254 Petition for Writ of Habeas Corpus (State))
Nature of suit	530 (Habeas Corpus (General))
Origin	1 (Original Proceeding)
Citizenship plaintiff	
Citizenship defendant	

Jury demand n (None)   Class action n   Demand ($000)

Arbitration code   County BEAUFORT

Fee status pend (IFP pending)   Fee date 4/24/2007   Date transfer

[Next] [Clear]

14.   Click on *Next*

Open Unassigned Civil Case

Jurisdiction	3 (Federal Question)
Cause of action	28:2254 (28:2254 Petition for Writ of Habeas Corpus (State))
Nature of suit	530 (Habeas Corpus (General))
Origin	1 (Original Proceeding)
Citizenship plaintiff	
Citizenship defendant	

Jury demand n (None)   Class action n   Demand ($000)

Arbitration code   County BEAUFORT

Fee status pend (IFP pending)   Fee date 4/24/2007   Date transfer

[Next] [Clear]

15.   Enter the Last name of petitioner and click on *Search*

Open Unassigned Civil Case

Search for a party

Last/Business name Jones
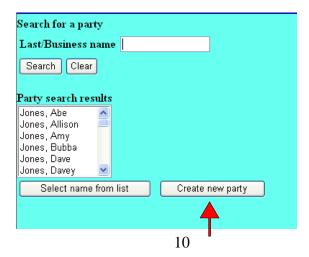
[Search] [Clear]

9

16. A list of all persons entered in our database with that last name will be shown under *Party search results*.
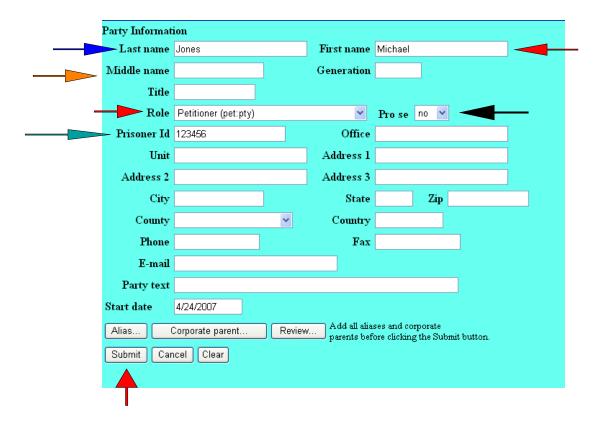

a. If you find the name of the party, click on that name and then click on *Select name from list*.

or

b. If you do not find the name of the party, click on *Create a new party*.

The last name is remembered, therefore, fill in First name, Middle Name (if applicable), Generation, if applicable.   In the Role field , Click on Petitioner. In the Pro se field, leave no in the screen. This is because, you, the attorney are filing this petition. If you have the inmate number of the petitioner, then in the Prisoner Id field enter number. Click on *Submit*
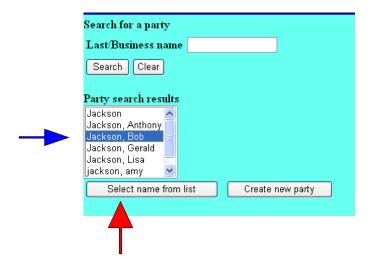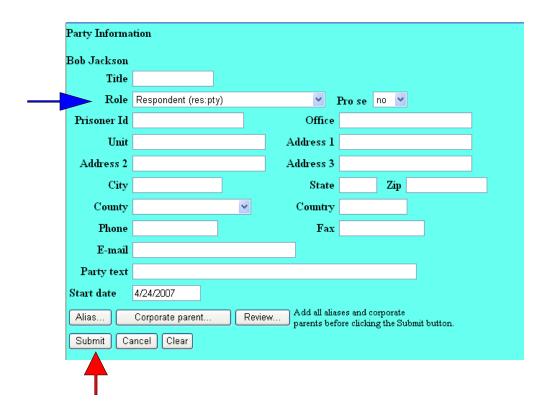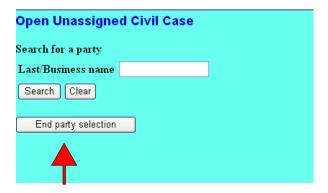
Party Information

Last name	Jones	First name	Michael
Middle name		Generation	
Title			
Role	Petitioner (pet:pty)	Pro se	no
Prisoner Id	123456	Office	
Unit		Address 1	
Address 2		Address 3	
City		State	Zip
County		Country	
Phone		Fax	
E-mail			
Party text			
Start date	4/24/2007		

Alias...   Corporate parent...   Review...   Add all aliases and corporate parents before clicking the Submit button.

Submit   Cancel   Clear

17.   Enter the last name of the Respondent and click on *Search*. (Please refer to Rule 2 of the Rules Governing Habeas Corpus Cases under Section 2254.)

Open Unassigned Civil Case

Search for a party

Last/Business name Jackson

Search   Clear

d party selection

18.   A list of all persons entered in our database with that last name will be shown under *Party search results*.

a.   If you find the name of the party, click on that name and then click on *Select name from list*.

or

b.   If you do not find the name of the party, click on *Create a new party*. The last name is remembered, therefore, fill in First name, Middle Name (if applicable), Generation, if applicable.   (See Step 17b)

c.   In the *Role* field, click on *Respondent* and then click on *Submit*.

19.   Click on *End party selection* .

All data will be processed and the Case Number will be displayed. Make a note of this
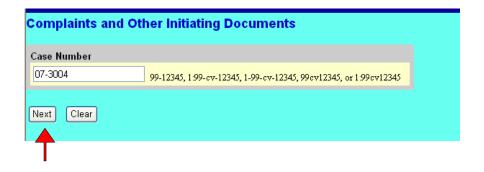
case number. NOTE: If you have made a mistake regarding party information, DO NOT REENTER THE CASE. A number has already been assigned. Please call the help desk at 1-866-855-8894 or call the main line at 919-645-1700 and ask for the Prisoner Section.
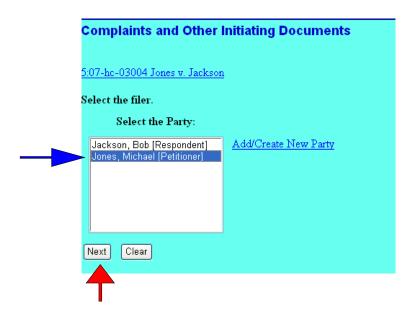
20.   Click on *Docket Lead Event?*

21.   In the field shown, click on *Petition for Writ of Habeas Corpus*, then click on *Next*.
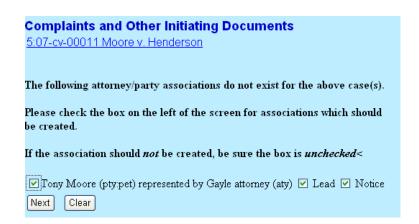

22.   The case number should appear. If not, please enter the case number that was assigned. (See Step 19). Click on *Next*.
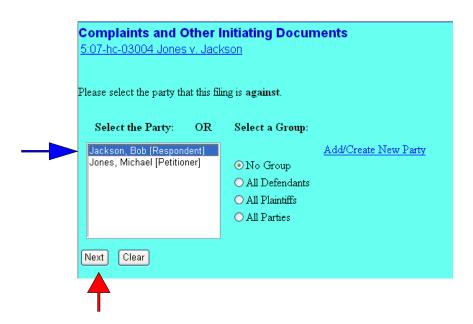
23. All parties entered should appear in the filer screen. Click on the petitioner's name and then click on *Next*
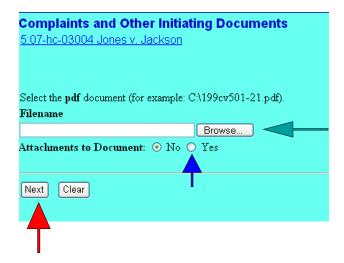

24. The attorney notice of appearance screen is now displayed. All boxes should be checked before continuing. **This enters your appearance as counsel for the petitioner and activates the electronic notification process**. Click on "Next"

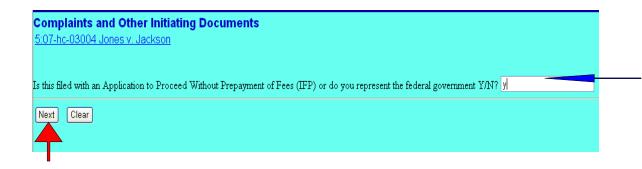25.	All parties should appear in the party box. Click on the Respondent's name and then click on *Next*.

26.	The petition and any attachments should be attached. Click on *Browse* and attach your document. If you have any attachments, make sure the *yes* box is selected, and continue to attach all of the documents. Click on *Next*
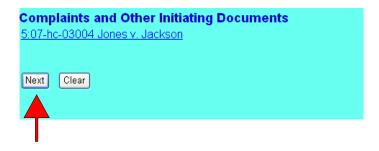

27.	For the filing fee requirement:

a. If you are also going to file an Application to Proceed Without Prepayment of Fees (IFP), *type y*, and then click on *Next*.

Complaints and Other Initiating Documents
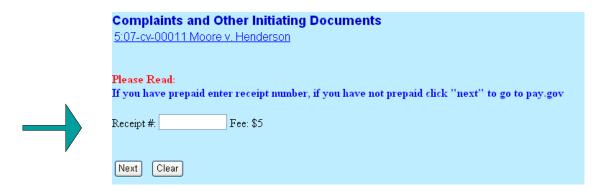5:07-hc-03004 Jones v. Jackson

Is this filed with an Application to Proceed Without Prepayment of Fees (IFP) or do you represent the federal government Y/N? y

Next Clear

Click on *Next* again and go to Step 28

Complaints and Other Initiating Documents
5:07-hc-03004 Jones v. Jackson

Next Clear

or

b. If you are paying the filing fee, *type n*, and then click on *Next*

Complaints and Other Initiating Documents
5:07-hc-03004 Jones v. Jackson

Is this filed with an Application to Proceed Without Prepayment of Fees (IFP) or do you represent the federal government Y/N? n
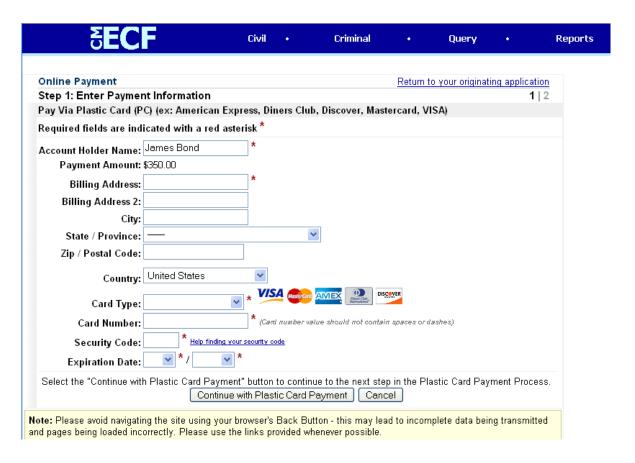
Next Clear

(1) There are two options for the payment of the filing fee.

17

Option 1 - Prior to opening the case, the filing fee is paid by phone or in person and the filer is given a court-issued receipt number. That receipt number is entered in this field.

Complaints and Other Initiating Documents
5:07-cv-00011 Moore v. Henderson

Please Read:
If you have prepaid enter receipt number, if you have not prepaid click "next" to go to pay.gov

Receipt #: [   ] Fee: $5

[Next] [Clear]

(2)   If you do not have a receipt number click "Next" and you will be connected to Pay.Gov, which is Option 2.

18

Option 2 - CM/ECF now allows the payment of filing fees by credit card through the internet using service called Pay.gov. You will need to fill in all of the requested information on the "Pay.Gov" screen. All boxes with "*" are required.

Please note that the box for "Account Holder" will default to the name of the CM/ECF logged in user. You must correct this box if the credit card holder's name is not the same as the CM/ECF user name.

When you have entered all of your information click "Continue with Plastic Card Payment".

Review the next screen to confirm that all of the information is correct.

You may also add one or more email addresses to receive a receipt for payment.

After you have verified that all the information is correct click the authorization box and then click "Submit Payment".

******ONLY CLICK THE "SUBMIT PAYMENT" BUTTON ONCE - Your card may be charged multiple times if you click more than once.******

Your payment will be confirmed and you will be returned to CM/ECF

28.   Review the summary screen.   If everything looks okay, click on *Next*. If something is not right, it is suggested that you click on the *Civil* located on the blue bar and look for **the Complaints and Other Initiating Documents** click on petition and go back to Step 21.

29.   Review the point of no return screen. Again, if everything is correct, click on *Next*. If something is not right, click on *Civil* located on the blue bar and look for the **Complaints and Other Initiating Documents** click on petition and go back to Step 21.

30.   When you click *Next*, Notice of Electronic Filing (NEF) will display showing completion
       of filing with a document number.

Complaints and Other Initiating Documents
5:07-hc-03004 Jones v. Jackson

U.S. District Court

Eastern District of North Carolina

Notice of Electronic Filing

The following transaction was received from nced, attorney0 entered on 4/24/2007 at 2:50 PM EDT and filed on 4/24/2007
Case Name: Jones v. Jackson
Case Number: 5:07-hc-3004
Filer: Michael Jones
Document Number: 1

Docket Text:
PETITION for Writ of Habeas Corpus, filed by Michael Jones.(nced, attorney0)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a

Congratulations, you have just opened a petition for writ of habeas corpus.

31.   If you have not paid the $5.00 filing fee, the a motion to proceed in forma pauperis needs
       to be filed. Click on *Civil* located at the top of the blue bar.

CM/ECF   Civil •   Criminal •   Query •   Reports •   Utilities •   Logout

Complaints and Other Initiating Documents
5:07-hc-03004 Jones v. Jackson

U.S. District Court

Eastern District of North Carolina

Notice of Electronic Filing

The following transaction was received from nced, attorney0 entered on 4/24/2007 at 2:50 PM EDT and filed on 4/24/2007
Case Name: Jones v. Jackson
Case Number: 5:07-hc-3004
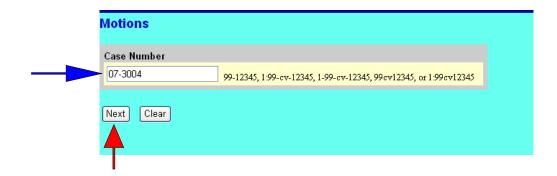**Filer:**   Michael Jones

32. Under **Motions and Related Filings**, click on *Motions*.

33. In the box displayed, look for **Proceed in Forma Pauperis** , click on that event, then click *Next*.

34. Your case number should be displayed, if not, enter the case number and click on *Next*.

35. Select the petitioner and click on *Next*

36. The IFP motion and any attachments should be attached. Click on **Browse** and attach your document. If you have any attachments, make sure the *yes* box is selected, and continue to attach all of the documents. Click on *Next*.

Click on *Next* again.

37.   Review the summary screen.   If everything look okay, click on *Next*.

Motions
5:07-hc-03004 Jones v. Jackson

Docket Text: Modify as Appropriate.
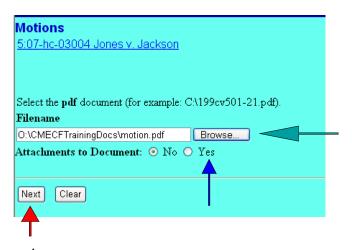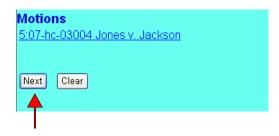
[▼] MOTION for Leave to Proceed in forma pauperis [   ] by Michael Jones.
(nced, attorney0)

[Next] [Clear]

38.   Review the point of no return screen.

Motions
5:07-hc-03004 Jones v. Jackson

Docket Text: Final Text
MOTION for Leave to Proceed in forma pauperis by Michael Jones. (nced, attorney0)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

[Next] [Clear]

39.   A Notice of Electronic Filing will display showing completion of filing with document number.

```
Motions
5:07-hc-03004 Jones v. Jackson


                            U.S. District Court

                     Eastern District of North Carolina

Notice of Electronic Filing

The following transaction was received from nced, attorney0 entered on 4/24/2007 at 3:18 PM EDT and filed on 4/24/2007
Case Name:      Jones v. Jackson
Case Number:    5:07-hc-3004
Filer:          Michael Jones
Document Number: 2

Docket Text:
MOTION for Leave to Proceed in forma pauperis by Michael Jones. (nced, attorney0)

The following document(s) are associated with this transaction:

Document description:Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1114528487 [Date=4/24/2007] [FileNumber=90476-0]
[bb635e8ce169613116613d19ffcc1a3e7681b609045523d881c50fd4883eeb6f279ce
56d6f4bf82e4312a60b1bfd6c5aea60e5a20b5b28bf093a8abb4aba9e76]]
```