

Habeas Corpus Guidance Master Sheet

This Master Sheet is designed to connect each stage of your habeas case with the most relevant templates, guides, and reference materials.

Practitioners are strongly encouraged to begin with the [New Mexico Habeas Project](#), which provides in-depth instruction across all stages of the habeas process. While some procedures differ between the District of New Mexico and the Western District of Oklahoma, the Project remains the best foundational resource. Local differences are highlighted where relevant below and also within the template documents.

Disclaimer

The information and guidance provided by the ACLU of Oklahoma does not, and is not intended to, constitute legal advice. All information, content, and materials available on this site are for general informational purposes only. Information on this website may not constitute the most up-to-date legal or other information.

Step 1: Learning the Habeas Process

If you are new to habeas litigation, we'd recommend that you start by familiarizing yourself with the process. While we recommend going through the entire New Mexico Habeas Project course first, the below listed videos and resources are a good place to start.

Main Resources:

- *New Mexico Habeas Project*:
 - “What is Habeas Corpus?”
 - “Why Immigration Habeas Matters Now”
 - “The Habeas Process: What to Expect”
- Annotated Habeas Petition
- ILRC Guide to Filing Your First Habeas Corpus Petition
 - For both this guide and for the New Mexico Habeas Project resources, please note there may be some distinctions in local rules with respect to filing and litigating the case. We've tried to highlight these distinctions below where possible, but we'd strongly encourage you to review the local rules before taking on and filing a case.

Optional Resources:

- Habeas Tracker
- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
 - Supreme Court case setting out the standard for indefinite detention.
- *Boumediene v. Bush*, 553 U.S. 723 (2008)
 - Supreme Court case elucidating the scope of habeas relief for noncitizens.

- *Alvarez v. Warden, Federal Detention Center of Miami et al.*, No. 25-14065 (11th Cir. 2026)
 - 11th Circuit decision where the court ruled that 8 U.S.C. § 1226, not § 1225, applies to noncitizens detained within the interior of the United States.
 - *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048 (7th Cir. 2025)
 - Seventh Circuit decision where the court preliminarily ruled that 8 U.S.C. § 1226, not § 1225, applies to noncitizens detained within the interior of the United States.
 - *Cunha v. Freden*, No. 25-3141-PR, 2026 WL 1146044 (2d Cir. Apr. 28, 2026)
 - Second Circuit decision where the court ruled that 8 U.S.C. § 1226, not § 1225, applies to noncitizens detained within the interior of the United States.
 - *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026)
 - Fifth Circuit decision where the court held that 8 U.S.C. § 1225 applies to all inadmissible non-citizens, regardless of whether they're detained at the border or in the interior of the United States.
 - *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026)
 - Eighth Circuit decision where the court held that 8 U.S.C. § 1226 applies to all inadmissible noncitizens, regardless of whether they're detained at the border or in the interior of the United States.
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Step 2: Visiting and Preparing to Interview Your Client

The guidance resources and tools for this part are designed to prepare you for your first client visit. These suggested resources include a comprehensive intake form, some tips for communicating and coordinating with a detained client, and instructions for how to schedule legal visits with clients in ICE custody.

Main Resources:

- *New Mexico Habeas Project:*
 - “Working With a Detained Client”
- Habeas Comprehensive Intake Form
- How to Schedule Legal Visits with People in ICE Custody
(*Oklahoma-specific guidance*)

Optional Resources:

- Working With an Interpreter (Habeas)
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Step 3: Drafting Initial Filings

The guidance resources and tools for this part are designed to help you draft the habeas petition. It lays out substantive and procedural guidance, WDOK-specific materials, and some optional

motions that may be filed concurrently with your habeas petition. Please pay close attention to some of the WDOK-specific procedures outlined in the documents below. Please also note that—if your client has already filed a pro se habeas petition—you may need to file an amended petition rather than opening a new case.

A. Substantive & Procedural Guidance

- *New Mexico Habeas Project:*
 - “Procedural Process: The Life of a Habeas Case”
 - “Nuts and Bolts of Preparing a Habeas Petition”
 - “Additional Motions & Filings to Submit with a Habeas Petition”

Note: These materials are New Mexico-specific. There are some distinctions with respect to font size, the case caption, the Order to Show Cause, and the filing process. Use the WDOK resources below to account for local rule differences.

B. Required WDOK-Specific Resources

- WDOK Habeas Pre-Filing Checklist
 - Annotated Habeas Petition
 - In WDOK, named parties must be separated by number in your case caption.
 - In WDOK your local field office is most likely the Dallas Field Office.
 - **Note:** to the extent the Annotated Habeas Petition and template documents refer to *Maldonado Bautista*, this injunction has been narrowed. Your clients will not be members of the *Maldonado Bautista* class and so you should not make this reference.
 - Annotated Civil Cover Sheet
 - Civil Cover Sheet
 - Template and Sample Habeas Petitions
 - **Note:** to the extent the template documents refer to *Maldonado Bautista*, this injunction has been narrowed. Your clients will not be members of the *Maldonado Bautista* class and so you should not make this reference.
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C. Motions (Optional)

- Template Motion for Temporary Restraining Order (TRO) (*Optional*)
 - Use only if your client has a true emergency (i.e., medical condition) that requires immediate release.

WDOK Practice Notes:

- Do **not** file a separate Motion for Order to Show Cause.

- Include the request in the *Prayer for Relief* in the petition.
 - File a TRO **only in true emergencies** (e.g., urgent medical issues requiring immediate release).
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D. Legal Reference Materials

- Federal Rules of Evidence
- Rules Governing § 2254 Cases

Optional Case Law Review:

- *Zadvydas v. Davis*
 - *Boumediene v. Bush*
 - *Jennings v. Rodriguez*
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Step 4: Filing the Habeas Petition

The resources and tools in this part are designed to assist you in filing your Habeas Petition in the Western District. It includes information on the required materials within the Petition, instructions for admissions procedures, and a pre-filing checklist.

Main Resources:

- *New Mexico Habeas Project:*
 - “Nuts and Bolts of Filing a Habeas Petition”

Note: Confirm local differences using WDOK-specific materials below. The “WDOK Habeas Pre-Filing Checklist” states the requirements that differ from DNM with respect to initiating the case.

WDOK-Specific Filing Requirements

- WDOK Habeas Pre-Filing Checklist
 - WDOK Admissions Procedures
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Step 5: Litigating the Habeas Case

The resources and tools in this part are designed to assist you in navigating litigation once the case has been filed. It includes guidance on the next steps, as well as template replies and motions for attorneys' fees.

Main Resources:

- *New Mexico Habeas Project*
- Template Reply in Support of Petition for Writ of Habeas Corpus
- Template Motions for Costs and Attorneys Fees
- Template Application for Costs and Attorneys Fees