

# The Habeas Process: What to Expect

## 1. File the Petition

- File the Petition for Writ of Habeas Corpus
- Include the Civil Cover Sheet
- Pay the \$5 filing fee
- A case number is created upon filing
- You may include a Motion for Order to Show Cause with the petition

## 2. Service of the Petition

- Check local court rules to see if the court serves the parties
- If not, you must serve the government by certified mail

## 3. Assignment of the Judge

- A judge is assigned and their initials are added to the case number
- Consent is required for a case to be assigned to a magistrate judge
- Review any standing orders issued by the assigned judge

## 4. Optional Emergency Motions

- You may file a Motion for Temporary Restraining Order (TRO) or Preliminary Injunction
- These motions are not required and may be filed at any time

## 5. Order to Show Cause Decision

- The judge decides whether to grant the Order to Show Cause
- If granted:
  - The case moves more quickly
  - The court sets deadlines and requirements
- Always read the order carefully

## 6. Government Response (Return)

- The government files a Response, also called a Return
- The deadline for response is set by the court

## 7. Your Reply (Traverse)

- You may file a Reply, also called a Traverse, to respond to the government's arguments
- The deadline for response is set by the court

## 8. Court Decision

- The judge may:
  - Order a hearing, or
  - Decide the case without a hearing

## 9. Possible Outcomes

- Release Ordered
  - The AUSA works with ICE to carry out release
- Bond Hearing Ordered
  - The AUSA and OPLA schedule the bond hearing
- Judges often order a joint status report to be filed to ensure compliance with the habeas order

**Important Reminder: Always review local rules, judge's standing orders, and court deadlines carefully.**