

## WDOK Habeas Pre-Filing Checklist

- **Civil Cover Sheet**
  - Template available within ACLU-OK's habeas template documents.
- **Verified § 2241 Habeas Petition**
  - Per LCvR7.1: 25-page limit.
  - Optional to use WDOK fillable form (in habeas template documents).
  - Petition:
    - Must include all the following information:
      - Parties
      - Jurisdiction & Venue
      - Statement of Facts
      - Legal Argument
      - Claim for Relief
      - Prayer for Relief
    - Per LCvR7.1, if the Petition is longer than fifteen pages, it must include a Table of Contents and a Table of Authorities.
    - Must have the following formatting:
      - Per LCvR7.1, must use at least 13-point font type, and margins shall be a minimum of one inch on the top, bottom, and sides.
      - Per LCvR3.1, every party must be numbered separately in the case caption.
  - Verification under penalty of perjury
  - Certificate of Service

- Include language on Certificate of Service for petition and any other opening pleadings indicating that, by filing in CM/ECF, you are effecting service on respondents.
- Once Petition is drafted, email the Civil Cover Sheet, the Verified Habeas Petition (must be PDF compressed/flattened), and any Exhibits to [newcases@okwd.uscourts.gov](mailto:newcases@okwd.uscourts.gov).
  - Exhibits must be numbered and labeled similar to the below examples:
    - Exhibit 1, Notice to Appear
    - Exhibit 2, Affidavit of John Smith
    - Exhibit 3, Permanent Resident Card
- **Filing Fee (\$5) or IFP motion**
  - Once you email the Petition to the above email address, the Clerk will docket the case. You should then call the court and pay the \$5 fee over the phone or pay in person.
- **Entry of Appearance**
  - After the case is docketed, log into CM/ECF and file an Entry of Appearance.
- **Magistrate Consent Form**
  - The Clerk will also email you a Magistrate Consent sheet. While this form is required to be submitted, you need not consent to going before a Magistrate.
- **Order to Show Cause**
  - A separate Motion for Order to Show Cause is not necessary in the Western District of Oklahoma. Include the Order to Show Cause in the Prayer for Relief.
- **[OPTIONAL] Motion for Temporary Restraining Order / Preliminary Injunction**

- Include only if your client needs emergency relief to avoid imminent, irreparable harm (i.e., a medical emergency).
  - Note if opposed or unopposed
    - It is unlikely that the Assistant US Attorney will enter their appearance before the Order to Show Cause deadline. As such, you must be sure to notify the United States Attorney's Office of your intent to file a Motion for TRO/PI.
  - Page limits for motions per local rules:
    - Per W.D.OK LCvR7.1:
      - 25-page limit for motion
      - 25-page limit for response
      - 10-page limit for reply
- Proposed Order
  - Email the proposed order to the chambers of the Magistrate or District Court judge.