



United States District Court  
Southern District of New York

## FILING A PRO SE PETITION CHALLENGING THE LEGALITY OF IMMIGRATION CUSTODY

This guide is intended to be a summary of basic procedures for filing a petition. The statements in this guide do not constitute legal advice and may not be cited as legal authority. This guide does not take the place of the Federal Rules of Civil Procedure, this court's Local Civil Rules, or the individual rules of practice and orders of the judges of this court. Parties using this guide remain responsible for complying with all applicable rules of procedure.

### Completing a Petition and Motion for Emergency Relief

---

- **Petition.** A petition for a writ of habeas corpus, challenging the constitutionality of someone's immigration custody, is brought under 28 U.S.C. § 2241.
- **Caption and Title.** The caption of the petition should include the petitioner's name, the name of any person filing on petitioner's behalf (a "next friend," as discussed below), and the respondent's name in the case caption. The "respondent" is the warden or authorized person having custody of the petitioner. The petition should be titled, "Section 2241 Petition and Request for Emergency Relief."
- **Form.** The petition can be typed or handwritten, and it must be legible. A fact section should be included in the petition, describing what led to the petitioner's detention and why the filer believes the detention is unlawful. The petition must contain a signature from the petitioner or next friend. The petition does not need to be notarized.
- **Next friend.** The petition may be brought "by the person for whose relief it is intended or by someone acting in his [or her] behalf." [28 U.S.C. § 2242](#). The person acting on behalf of the petitioner is referred to as a "next friend." Although a significant relationship with the real party in interest is relevant to the appointment of a next friend, it is neither required nor dispositive." [Doe v. Hochul, 139 F.4th 165, 178 \(2d Cir. 2025\)](#). A next friend may be, for instance, the petitioner's spouse, partner or other family member.

**PRO SE INTAKE WINDOW LOCATIONS:**

500 PEARL ST. 2<sup>ND</sup> FLOOR | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

**MAILING ADDRESS:**

500 PEARL STREET 2<sup>ND</sup> FLOOR | NEW YORK, NY 10007  
PRO SE INTAKE UNIT: 212-805-0175



- **Contact information.** The petition must include contact information for the person filing the petition, either the petitioner or the next friend, including an address, telephone number, and email address.
- **Emergency Relief.** To ensure that the application receives the appropriate prompt attention from the Court, if the petitioner seeks immediate release from detention or other emergency relief, the word “EMERGENCY” should be clearly and prominently set forth on the first page of the initial document filed and, if the petition is being filed by email, in the subject line.
- **Language.** All papers must be submitted in English. All court proceedings will be held in English. If the petitioner will require an interpreter for court proceedings, the petitioner should note this need in the petition and specify the language.

## Filing a Petition

---

The following four methods may be used to file a petition:

- **By email.** The petition may be emailed to [ProSe@nysd.uscourts.gov](mailto:ProSe@nysd.uscourts.gov). The subject line of the email must read, “Pro Se Filing – Immigration Case” and, if the petitioner is seeking immediate release from detention or other emergency relief, the word “EMERGENCY.” If the petitioner plans to pay the filing fee, this additional information should be added in the subject line: “Fee Paid.”
  - **PDF format.** The petition and all other documents must be saved in PDF/A format, no larger than 15 megabytes. (See [How to Use the Check PDF Document Utility in CM/ECF.](#))
- **In person.** The petition may be delivered to the Pro Se Intake Unit at 500 Pearl St, 2<sup>nd</sup> Floor, New York, NY 10007, or 300 Quarropas Street, White Plains, NY 10601. The pro se intake unit is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, excluding federal holidays. The petition will be time-stamped upon receipt. If the petition includes a request for emergency relief, the word “EMERGENCY” must be written prominently at the top of the first page of the filing.
- **By after-hours drop box.** The petition may be submitted after business hours by placing it in the drop box at 500 Pearl Street, Worth Street entrance, New York, NY 10007. There is a time stamp next to the drop box and, to ensure the court has an accurate record of the date and time of filing, the petition must be time stamped



**and placed in a sealed envelope.** Please note that there may be delays in the processing of documents placed in the drop box. Therefore, a petitioner or next friend seeking emergency relief should, if possible, submit the petition by email or in person at the courthouse rather than leaving it in the drop box. If the petition seeks emergency relief, see the “Emergency Relief” section above.

- **By regular mail.** The petition may be sent to the Pro Se Intake Unit, 500 Pearl Street, 2<sup>nd</sup> floor, New York, NY 10007 by regular mail. Regular mail will cause delays in receipt of the petition. If emergency relief is needed, the petition should be brought to the courthouse in person or emailed to [ProSe@nysd.uscourts.gov](mailto:ProSe@nysd.uscourts.gov); see the “Emergency Relief” section above.

## The Filing Fees: \$5.00

---

- **Fees.** The filing fee for a Section 2241 petition is \$5.00 (**not the \$405.00 charged for civil cases**). Payment should be made as specified below. The petitioner’s name and case number, if known, should be included on the note section of any check or money order. **As set forth below, fees are NOT due at the time of filing for petitions filed by email.**
  - **In person:** Certified check, bank check, money order, major credit card, or cash (cash in Manhattan only).
  - **By regular mail:** Certified check, bank check, or money order mailed to: Cashiers-Room 120, 500 Pearl Street, New York, NY 10007.
  - **For petitions filed by email:** Payment need not be made immediately but must be made within 30 days of the date the case is assigned a docket number. If mailing the payment, follow the instructions for paying by regular mail, and include the docket number, which can be learned by calling (212) 805-0175.
- **Inability to pay the filing fee:** If the petitioner cannot afford the \$5.00 filing fee, the petitioner and/or the next friend may ask for permission to proceed without paying the fee by completing an [Application to Proceed Without Prepaying Fees or Costs \(“IFP Application”\)](#). The IFP application should be submitted with the petition and the caption should be identical to the petition’s caption.



## Petitions filed by email

---

- **If the petition does not appear on the electronic docket within two business days,** it has not met the required standards for electronic filing. Call the Pro Se Intake Unit at (212) 805-0175.
- **The body of the email is not monitored.** Any questions for the assigned judge must be submitted in writing. Court staff will not respond to inquiries included in any email; this email address is a NO-REPLY email address.
- **A next friend can email the petition for the petitioner.** All contact information for the next friend should be included in the petition.
- **Consent to service.** The next friend should complete and email a signed [consent to electronic service form](#) to receive notification by email of court filings.

### QUESTIONS

Contact the Pro Se Intake Unit, 212-805-0175, 8:30 a.m.–5:00 p.m., Monday–Friday (except federal holidays). The Pro Se Intake Unit cannot accept collect calls.