

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA  
INSTRUCTIONS FOR FILING A PETITION FOR WRIT OF HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241**

**-Who Should Use This Form.** You should use this form if:

- you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
- you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
- you are alleging that you are illegally detained in immigration custody.

**-Who Should Not Use This Form.** You should not use this form if:

- you are trying to file a motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255 (*a separate form for a § 2255 motion to be filed in a federal criminal case is available for that purpose*);
- you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
- you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).

A petition for a writ of habeas corpus is filed to seek release from custody, or earlier release from custody, on the grounds that current detention, or future detention, violates the United States Constitution or, in certain circumstances, other federal law. For this Court to have jurisdiction, at the time of filing a § 2241 petition, the person seeking habeas relief must be detained within the State of South Carolina, which is the territorial jurisdiction of this federal Court. **Do NOT use the § 2241 form to file a civil rights action for damages under 42 U.S.C. § 1983 (against state actors) or under *Bivens* (against federal actors).** You cannot receive money damages through a petition for writ of habeas corpus. Claims regarding conditions of confinement must be filed in a civil rights action for which a separate form is available. Any of the forms mentioned should be available from the institution of confinement; or found on the Court's website, [www.scd.uscourts.gov](http://www.scd.uscourts.gov); or requested from the Clerk of Court's Office.

**Filing this Petition**

1. The petition must be readable, with no typing or writing on the back or in any of the margins. If more space is necessary to complete the form, additional 8 1/2 by 11- inch paper may be attached, which clearly identifies the section of the petition that is being continued.
2. The petition must be signed with the petitioner's original signature, unless the petitioner is represented by an attorney. Only filers authorized to use the Electronic Case Filing System may use an "s/" signature.
3. Only the original petition, no copies, is necessary for filing. Be sure to keep a copy of the petition for personal use. After the petition is filed, a copy of the petition will only be provided upon request if copying charges are paid.
4. You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.
5. When the petition is complete, mail the form with payment of the \$5.00 filing fee or an AO Form 240 Application to Proceed without Prepayment of Fees (motion to proceed *in forma pauperis*) to:

Clerk of Court, United States District Court District of  
South Carolina  
901 Richland Street  
Columbia, SC 29201

These instructions are not legal advice, but are given to help the filer understand proper use of this form. **THE CLERK OF COURT'S OFFICE CANNOT GIVE LEGAL ADVICE.**