

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

CHONG DA WU,

Petitioner,

v.

WARDEN, Florida Baker Corrections Institute;  
Garrett J. Ripa, Miami Field Office Director  
U.S. Immigration and Customs Enforcement;  
KRISTI NOEM, Secretary of the U.S. Department  
of Homeland Security; and PAMELA J. BONDI,  
Attorney General of the United States,  
in their official capacities,

Respondents.

Case No. \_\_\_\_\_

PETITION FOR WRIT OF  
HABEAS CORPUS

Alien # 

INTRODUCTION

1. Chong Da Wu is a citizen and National of the People’s Republic of China who has been present in Puerto Rico since 2006. On July 6, 2006, Respondent was PAROLED into the United States as person of Significant Public Benefit”. On November 15, 2027, Mr. Wu was detained by DHS under a material witness complaint Civil No 07-656(MEL), as a witness in relation to an alien smuggling case against the people that brought him into the United States illegally.
2. On September 16, 2008, the Puerto Rico District Court issued a judgment in Civil No #07-656 (MEL) and dismissed the material witness complaints against Mr. Wu.
3. On October 10, 2008, Mr. Wu transferred from US Marshall custody into the custody of DHS. On the same day Mr. Wu was processed pursuant to Section 235 of the Immigration and Nationality Act (INA), 8 U.S.C. §1225, Expediated Removal of Inadmissible Arriving Aliens and

4. After six (6) months of detention on April 23, 2009, Mr. Wu filed a Writ of Habeas Corpus in the district of Puerto Rico Civil No. 09-1376(FAB). The case was transferred to the Federal Southern District of Florida since Mr. Wu was transferred from Puerto Rico to the South of Florida.

On June 26, 2009, the court entered an order to show cause why the petition should not be granted.

5. On July 13, 2009, U.S. Immigration and Customs Enforcement (“ICE”) released Petitioner from detention and provided him with an Order of Supervision (“OSUP”), and the district court dismissed the habeas corpus.

5. From July 13, 2009, until June 9, 2025, the Petitioner complied with all the requirements of his OSUP, including reporting into his ICE ERO officer.

6. On June 9, 2025, Petitioner was ordered to appear at ICE’s Office, and he was detained by ICE officers and placed into a local immigration detention facility. On the same date Mr. Wu filed a Stay of Removal (Form I-246) that has not been adjudicated as up the filing of this habeas petition.

### **JURISDICTION**

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

**VENUE**

10. Venue is proper because Petitioner is detained at an immigration detention facility in Florida Baker Correctional Facility in Sanderson, Florida, which is within the jurisdiction of this District.

**REQUIREMENTS OF 28 U.S.C. § 2243**

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

**PARTIES**

13. Petitioner is a citizen of China. Petitioner is currently detained at immigration detention facility in Sanderson, Fl. He is in the custody, and under the direct control, of Respondents and their agents.

14. Respondent Warden is the warden of the above-identified immigration detention facility, and he or she has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Warden is a legal custodian of Petitioner.

15. Respondent Garrett J. Ripa is sued in his official capacity as the Director of the ICE Miami Field Office of U.S. Immigration and Customs Enforcement. Respondent Ripa is a legal custodian of Petitioner and has authority to release him.

16. Respondent KRISTI NOEM is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention. Respondent Noem is a legal custodian of Petitioner.

17. Respondent PAMELA J. BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

#### **STATEMENT OF FACTS**

18. As noted above, Petitioner entered Puerto Rico in 2007 and was apprehended by ICE.

19. Petitioner was held in ICE custody and was released on an Order of Supervision in 2005, as person of Significant Public Benefit””

20. From May 10, 2009, until 2025, Petitioner complied with all conditions of his OSUP. He was not accused of any violations of his OSUP.

21. On June 9, 2025 Petitioner appeared at an ICE’s Office in Puerto Rico and he was taken into immigration custody and transported to a local ICE contract detention facility, in San Juan , Puerto Rico, moved to Miami, FL and then to Sanderson, FL where he remains today.

**CLAIMS FOR RELIEF**

COUNT ONE: VIOLATION OF DUE PROCESS

22. An alien arriving in the United States must be inspected by an immigration official, 66 Stat. 198, as amended, 8 U.S.C.S. § 1225(A)(3), and, unless he is found clearly and beyond a doubt entitled to be admitted, must generally undergo removal proceedings to determine admissibility, § 1225(b)(2)(a). Meanwhile the alien may be detained, subject to the Secretary of Homeland Security's discretionary authority to parole him into the country. 8 U.S.C.S. § 1182(D)(5); 8 CFR § 212.5 (2004). if, at the conclusion of removal proceedings, the alien is determined to be inadmissible and ordered removed, the law provides that the Secretary of Homeland Security shall remove the alien from the United States within a period of 90 days. 8 U.S.C.S. § 1231(A)(1)(A).

23. In *Zadvydas v. Davis* (2001) 533 U.S. 678, 150 L. Ed. 2d 653, 121 S. Ct. 2491, the United States Supreme Court construed 8 U.S.C.S. § 1231(A)(6) to authorize the United States Attorney General (later succeeded for this purpose by the United States Secretary Of Homeland Security) to detain aliens, who had been admitted to the United States but subsequently ordered removed on some specified grounds, after an initial 90-day statutory removal period (in 8 U.S.C.S. § 1231(a)(1)(a)) only for so long as was reasonably necessary to secure the aliens' removal. In *Zadvydas*, the court further held that the presumptive period during which an alien's detention is reasonably necessary to effectuate removal is six months, and that he must be conditionally released after that time if he can demonstrate that there is "no significant likelihood of removal in the reasonably foreseeable future." 533 U.S., at 701, 150 l. ed. 2d 653, 121 s. ct. 2491.

24. In *Clark V. Suarez Martinez*, 543 U.S. 371 (2005) the Supreme Court held that *Zadvydas*' construction of § 1231(a)(6) applied to the detention of aliens found inadmissible to the United States, such as the case at hand.

## **COUNT 2: PROCEDURAL DUE PROCESS CHALLENGE**

25. Once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent. See *Plyler v. Doe*, 457 U.S. 202, 210, 72 L. Ed. 2d 786, 102 S. Ct. 2382 (1982); *Mathews v. Diaz*, 426 U.S. 67, 77, 48 L. Ed. 2d 478, 96 S. Ct. 1883 (1976); *Kwong Hai Chew v. Colding*, 344 U.S. 590, 596-598, 97 L. Ed. 576, 73 S. Ct. 472, and n. 5 (1953); *Yick Wo v. Hopkins*, 118 U.S. 356, 369, 6 S. Ct. 1064 (1886); cf. *Mezei*, *supra*, at 212 ("Aliens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law").

26. Indeed, the Supreme Court has held that the Due Process Clause protects an alien subject to a final order of deportation, see *Wong Wing v. United States*, 163 U.S. 228, 238, 41 L. Ed. 140, 16 S. Ct. 977 (1896).

## **ARGUMENT**

27. As previously alleged Mr. Wu has been in civil detention for 5 months, and that his detention is illegal since has been detained for more than the initial 90-day statutory removal period under 8 U.S.C.S. § 1231(a)(1)(a). Also, Wu has been detained more than the 6 months, more than necessary to secure Wu's removal from the United States. He must be conditionally released, since there is no significant likelihood of removal in the reasonably foreseeable future pursuant to *Zadvydas v. Davis* (2001) 533 U.S. 678, 150 L. Ed. 2D 653, 121 S. Ct. 2491, and *Clark V. Suarez Martinez*, 543 U.S. 371 (2005)

28. Accordingly, to vindicate the Petitioner's statutory, constitutional, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

**COUNT THREE: ADMINISTRATIVE PROCEDURE ACT**  
**(Violation of 5 U.S.C. § 555(b))**

29. Petitioner incorporates paragraphs 1 to 34 herein by reference.

30. Pursuant to the Administrative Procedure Act (“APA”), a person adversely affected by agency action is entitled to judicial review. *See* 5 U.S.C. § 702. Agency action includes a failure to act. *See* 5 U.S.C. § 551(13).

31. The APA requires agencies to conclude matters presented to them “within a reasonable time.” 5 U.S.C. § 555(b).

32. A court may “compel agency action unlawfully withheld or unreasonably delayed.” *See* 5 U.S.C. § 706(2)(A).

33. Under the APA, USCIS has a mandatory, non-discretionary duty to complete the negative credible fear review determination by a U.S. immigration judge within seven (7) days after the negative credible fear finding has been made. *See* 8 U.S.C. §§ 1225(b)(1)(B)(iii)(III) and 8 C.F.R. §1003.42(e).

34. Petitioner challenges only the Respondents’ delay or inaction in completion of this removal.

35. Respondents’ unreasonable and unlawful delays in completing Petitioner’s removal w has caused, are causing, and will continue to cause, the Petitioner ongoing and substantial injuries in the form of mental stress, emotional harm, an inability to travel, prolonged family separation, increased legal costs, and the inability to secure release from immigration detention.

36. Petitioner asks this Court to order Respondents to schedule and complete the Petitioner’s removal within thirty (30) days under the Administrative Procedure Act.

**COUNT FOUR: WRIT OF MANDAMUS  
(IN THE ALTERNATIVE - Relief under 28 U.S.C. § 1361)**

37. Petitioner incorporates paragraphs 1 to 52 herein by reference.
38. Under the Mandamus Act, 28 U.S.C. § 1361, relief may be granted because Respondents owe the Petitioner a non-discretionary statutory duty to remove Petitioner.
39. Respondents have no discretion as to whether or not to remove Petitioner.
40. If the Court does not grant relief under Counts One or Two, then the Petitioner will have no remaining remedies available to him under statute or law.
41. In that circumstance, the Petitioner asks this Court to grant relief to them under 28 U.S.C. § 1361 and issue a writ or writs of mandamus, ordering the Respondents to either remove him or release him.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that the Respondents' challenged actions violate the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1225(b), and 8 C.F.R. § 1003.42(e);
- (4) Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (5) Grant him any further relief this Court deems just and proper.

Respectfully submitted,

**PALOMARES-STARBUCK & ASSOCIATES**  
66 W. Flagler Street, 6th floor

Miami, Florida 33130  
Telephone: (305) 537-9373  
E-Service E-mail: [palolaw2@gmail.com](mailto:palolaw2@gmail.com)  
Secondary E-mail: [palolaw@gmail.com](mailto:palolaw@gmail.com)

By: */s/ Lorenzo J. Palomares*  
**Lorenzo J. Palomares, Esq.**  
Florida Bar No. 100785  
Counsel for Petitioner

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, CHONG DA WU, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17 day of October, 2025.

By: */s/ Lorenzo J. Palomares*  
**Lorenzo J. Palomares, Esq.**  
Florida Bar No. 100785

**s/Raymond Sanchez Maceira, Esq**  
USDC-PR:211405  
**Pro hac vice (Pending)**  
239 ARTERIAL HOSTOS  
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**sanchezlaw264@gmail.com**

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
**CHONG DA WU**

**(b) County of Residence of First Listed Plaintiff** Florida  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
**Lorenzo Palomares, Esq.**  
**FBN#100785**  
**66 W Flaoler St Suite 601**

**DEFENDANTS**  
**Warden, Florida Baker Correctional Institute, Connie Bae**  
**Director of ICE Field Office; Hon. Kristi Moem; Hon. Bondi**

County of Residence of First Listed Defendant Sanderson, Fl  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) [Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<b>LABOR</b>		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 710 Fair Labor Standards Act		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Management Relations	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Other Statutory Actions
		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input checked="" type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<b>IMMIGRATION</b>	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 462 Naturalization Application	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<input type="checkbox"/> 465 Other Immigration Actions	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC § 2241; 8 USC § 1101; 28 USC § 1331 & Art. I, § 9 cl 2 of the US Constitution

Brief description of cause:  
Unlawful Detention

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: Oct 17, 2025

SIGNATURE OF ATTORNEY OF RECORD: s/ Lorenzo J Palomares

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
Original Proceedings. (1) Cases which originate in the United States district courts.  
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

