

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SOSA-SAMAYOA, Selvin)
A# [REDACTED])
)
Petitioner,)
)
v.)
)
GEORGE STERLING,)
Field Office Director of ICE)
Atlanta Field Office, and)
TODD LYONS, *in his official capacity as Acting*)
Director of Immigration and Customs Enforcement,)
and KRISTI NOEM, Secretary of Homeland)
Security, and)
PAMELA BONDI, *U.S. Attorney General*)
)
Respondents.)

Case No. _____

**PETITION FOR
WRIT OF HABEAS
CORPUS**

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR DECLARATIVE AND INJUNCTIVE RELIEF**

I. INTRODUCTION

1. Petitioner, Selvin Sosa-Samayoa (“Mr. Sosa”), is a 28-year-old Guatemalan national who has lived in Marietta, Georgia, for approximately 11 years. He is the father of two children, both of whom are United States Citizens by birth.
2. Mr. Sosa originally entered the United States through a port of entry, Hidalgo, Texas, on February 1, 2014, and was placed with the Office of Refugee Resettlement. Mr. Sosa entered the United States as an unaccompanied minor and was released to his mother in Marietta, Georgia, on February 19, 2014. See **Exhibit One**.

3. For several years, Mr. Sosa appeared for scheduled immigration removal proceedings in the Atlanta Immigration Court. Mr. Sosa's attorney filed an I-589 asylum-based application with USCIS and filed the same documents with immigration court.
4. On March 31, 2023, Atlanta Immigration Judge Jennifer Bell issued an order dismissing Mr. Sosa's removal proceedings because USCIS has jurisdiction to adjudicate Mr. Sosa's I-589 asylum-based petition. **See Exhibit Two.** As had been customary with the Office of the Chief Counsel, unaccompanied minors that file an I-589 will have their immigration removal proceedings dismissed without prejudice through joint motion of the parties.
5. As of the date of this filing, Mr. Sosa's I-589 is pending with USCIS. Mr. Sosa has a valid work authorization, Social Security card, and Georgia Driver's License. Mr. Sosa is gainfully employed and has no criminal history during his time in the United States.
6. On November 14, 2025, Mr. Sosa and his brother were pulled over by 2-3 unmarked vehicles. The officers identified themselves as agents of U.S. Customs and Border Protection. There was no reason for the traffic stop, and the agent only asked what Mr. Sosa's status in the United States was. Not receiving an answer, the agents quickly pulled Mr. Sosa out of his vehicle and drove him to FCI Atlanta where he remains today.
7. Mr. Sosa's immigration removal proceedings have been dismissed, and USCIS continues to have jurisdiction over Mr. Sosa's I-589 petition. Taking Mr. Sosa into ICE custody violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and nationality Act and implementing regulations, the Administrative Procedure Act, and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

8. Petitioner therefore brings this action for injunctive, habeas corpus, and declaratory relief ordering Respondents to direct Mr. Sosa's immediate release from custody.

II. VENUE AND JURISDICTION

9. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the Constitution (Suspension Clause).
10. Venue lies in this Division because Petitioner is detained at FCI Atlanta, within the Atlanta Division. See 28 U.S.C. §§ 2241(d), 1391(e).

III. PARTIES

11. Petitioner Sosa is a 28-year old Guatemalan national who resides in Marietta, Georgia. He is currently detained at FCI Atlanta in Atlanta, Georgia.
12. Respondent George Sterling is the ICE Field Office Director for Atlanta and is in charge of all detainees in ICE custody in Atlanta and is the Petitioner's immediate custodian and Respondents exercise authority over Petitioner's custody in this jurisdiction. See U.S.C. §§ 2241(d), 1391(e). Respondent Sterling is being sued in his official capacity.
13. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (hereinafter "ICE"). As such, Respondent Lyons is being sued in his official capacity.
14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (hereinafter "DHS"). As Secretary of DHS, Secretary Noem is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Noem is being sued in her official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States and is sued in her official capacity.

IV. EXHAUSTION OF REMEDIES

16. No statutory exhaustion requirement applies to habeas cases. Moreover, ICE's refusal to honor the IJ's dismissal of removal proceedings order, and USCIS's adjudication of Mr. Sosa's I-589 petition, leaves no administrative avenue to secure release; additional agency steps would be futile.

17. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

V. STATEMENT OF FACTS

18. Petitioner entered the United States through the Hidalgo, Texas port of entry on February 1, 2014, and has remained in the country since that entry.

19. Petitioner is the father of two children, both of whom are U.S. citizens: J [REDACTED], born [REDACTED] in Marietta, GA; Z [REDACTED] born [REDACTED] in Marietta, GA. See **Exhibit Three**, *Birth certificates for Mr. Sosa's children*.

20. On March 31, 2023, Atlanta Immigration Judge Jennifer Bell issued an order dismissing Mr. Sosa's removal proceedings because USCIS has jurisdiction to adjudicate Mr. Sosa's I-589 asylum-based petition. On July 22, 2025, Petitioner filed a bond redetermination request asking that the Immigration Judge release her on a reasonable bond.

21. As of the date of this filing, Mr. Sosa's I-589 is pending with USCIS. Mr. Sosa has a valid work authorization, Social Security card, and Georgia Driver's License. Mr. Sosa is gainfully employed and has no criminal history during his time in the United States.

22. On November 14, 2025, Mr. Sosa and his brother were pulled over by 2-3 unmarked vehicles. The officers identified themselves as agents of U.S. Customs and Border Protection. There was no reason for the traffic stop, and the agent only asked what Mr. Sosa's status in the United States was. Not receiving an answer, the agents quickly pulled Mr. Sosa out of his vehicle and drove him to FCI Atlanta where he remains today.
23. As of November 21, 2025, Petitioner has been detained for 7 days since his arrest and remains confined at FCI Atlanta presumably because ICE believes it can disregard Atlanta Immigration Judge Bell's order of dismissal recognizing USCIS's sole discretion and jurisdiction of Mr. Sosa's I-589 petition that is currently pending with USCIS.
24. Petitioner's continued detention is causing extreme hardship to his two children, as Mr. Sosa's life partner struggles to provide for them financially without Mr. Sosa's support.

VI. LEGAL FRAMEWORK

25. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States," if the person can show she is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).
26. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall . . . dispose of [] as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of pretrial and noncriminal detention." *Boumediene v. Bush*, 553 U.S. 723, 779-80 (2008) (citations omitted). "[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer

must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner's release." *Id.* at 787.

VII. CAUSES OF ACTION

COUNT ONE Substantive Due Process

27. Petitioner incorporates paragraphs 1 through 26 as if fully set out herein.
28. The Due Process Clause of the Fifth Amendment provides that "no person shall be...deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This vital liberty interest is at stake when an individual is subject to detention by the federal government.
29. Under the civil-detention framework set out in *Zadvydas* and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose – such as ensuring appearance or protecting the community – and is reasonably related to, and not excessive in relation to, that purpose.
30. Because Respondents had no legitimate, non-punitive objective in taking Mr. Sosa into custody, his detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

COUNT TWO Procedural Due Process

31. Petitioner incorporates paragraphs 1 through 30 as if fully set out herein.

32. The Fifth Amendment forbids deprivation of liberty without notice and a meaningful opportunity to be heard before a neutral decision-maker.
33. To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Applying the analysis set forth in *Mathews*, Petitioner's liberty interest is paramount; the risk of erroneous deprivation is extreme considering the Immigration Judge's determination that Petitioner's removal proceedings be dismissed, and that USCIS has exclusive jurisdiction over Petitioner's I-589 petition. Additionally, the risk of erroneous deprivation of liberty is great due to the lack of a non-independent adjudicator. *Marcello v. Bonds*, 39 U.S. 302, 305-306 (1955).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing Respondents to immediately release him from custody, under reasonable conditions of supervision;
- 3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Order Respondents to file a response within 7 days of the filing of this petition;
- 5) Grant any other and further relief which this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 21st day of November, 2025.

/s/ Michael A. Edmunds
GA Bar # 239744
68 South Ave SE
Marietta, Georgia 30060
Tel. (404) 384-6453
mike.edmunds@yahoo.com

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus and Complaint for Declarative and Injunctive Relief are true and correct to the best of my knowledge, information, and belief.

/s/ Michael A. Edmunds

Date: November 21, 2025

EXHIBIT ONE

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID [redacted] FINS [redacted] File No: [redacted]
DOB: [redacted] Event [redacted]

In the Matter of:

Respondent: SELVIN LEONEL SOSA-SAMAYOA currently residing at:

[redacted], FLORIDA, UNITED STATES 33055 (305) 962-3413
(Number, street, city and ZIP code) (Area code and phone number)

- 1. You are an arriving alien.
2. You are an alien present in the United States who has not been admitted or paroled.
3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA ;
3. You arrived in the United States at or near HIDALGO, TEXAS, on or about February 1, 2014;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law: 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: 2009 West Jefferson Avenue, Suite 300 Harlingen TX US 78550

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

R. Hernandez by JM P340
RIGOBERTO HERNANDEZ ACTING FIELD OPERATIONS SUPERVISOR
(Palfurrias, Texas) (Signature and Title of Issuing Officer)

Date: February 09, 2014

(City and State)

See reverse for important information

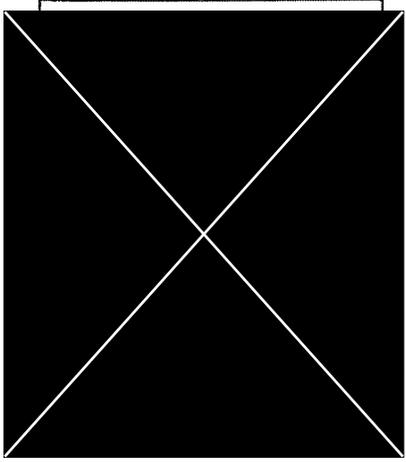


U.S. Department of Health and Human Services

Office of Refugee Resettlement
Verification of Release Form

OFFICE OF REFUGEE RESETTLEMENT
Division of Children's Services

Name of Minor:	Selvin Leonel Sosa Samayoa	Aliases (if any):	
Minor's Date of Birth:		Minor's A#:	
		FINS #:	



Pursuant to Section 462 of the Homeland Security Act, the Office of Refugee Resettlement (ORR) has released from its custody the above-named minor into the care and custody of:

Name of Sponsor:	Rosario Magdalena Samayoa Mendez	A#:	
Aliases (if any):		SSN:	
Address:		Tel#:	
City, State, Zip:	Marietta	GA	30067
Relationship to Child:	Mother		

Acknowledgement of Conditions of Release

I hereby acknowledge that I have read, or had explained to me in the _____ language, and I understand the conditions of my release as specified in the Sponsor's Agreement to Conditions of Release, which include among others the following conditions:

- I agree to appear at all future proceedings before the Department of Homeland Security (DHS)/Immigration and Customs Enforcement (ICE) and the Executive Office for Immigration Review (EOIR).
- I agree to report to the DHS/ICE office if so ordered.
- I agree to notify DHS/ICE if I decide to depart from the United States. I will do this at least 5 days before I actually depart the United States.
- I agree to notify DHS/ICE and EOIR within 5 days of a change of address.

2/19/2014

Signature of Alien Minor

2/19/14
Date

Signature - New ORR Director

2/19/14
Release Approved On

ORR/DCS Facility Name:	
------------------------	--



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - W. PEACHTREE STREET IMMIGRATION COURT

Respondent Name:

SOSA-SAMAYOA, SELVIN LEONEL

To:

Diaz, Giovanni Jose

1700 Water Place SE, STE 110

Atlanta, GA 30339

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

03/31/2023

Unable to forward - no address provided.

Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

[Empty rectangular box]

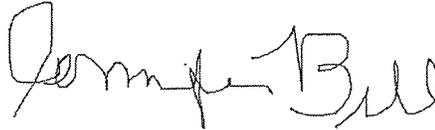
Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA § 242.

EXHIBIT TWO

Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.

Other:

Date



Immigration Judge: BELL, JENNIFER 03/31/2023

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service

To: Noncitizen | Noncitizen c/o custodial officer | Noncitizen's atty/rep. | DHS

Respondent Name : SOSA-SAMAYOA, SELVIN LEONEL | A-Number 

Riders:

Date: 04/03/2023 By: SB, Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - W. PEACHTREE STREET IMMIGRATION COURT**

Respondent Name:

SOSA-SAMAYOA, SELVIN LEONEL

To:

Diaz, Giovanni Jose

1700 Water Place SE, STE 110

Atlanta, GA 30339

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

03/31/2023

ORDER ON MOTION TO DISMISS

The Respondent the Department of Homeland Security the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c). The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is opposed unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

Granted without prejudice

Denied

Further explanation:

DHS requested a Motion to Dismiss without prejudice in this matter for prosecutorial discretion. The Respondent has joined that Motion to Dismiss. The Court is granting the Motion to Dismiss without prejudice. The pending Motion to Terminate is now moot.

IT IS SO ORDERED.

Jennifer Bell

Immigration Judge: BELL, JENNIFER 03/31/2023

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service

To: Noncitizen | Noncitizen c/o custodial officer | Noncitizen atty/rep. | DHS

Respondent Name : SOSA-SAMAYOA, SELVIN LEONEL | A-Number :



Riders:

Date: 04/03/2023 By: SB, Court Staff

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S) (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANT(S) COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (FOR DIVERSITY CASES ONLY)																								
<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF <input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT <input type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY) <input type="checkbox"/> 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 10%;">PLF</td> <td style="text-align: center; width: 10%;">DEF</td> <td style="width: 50%;"></td> <td style="text-align: center; width: 10%;">PLF</td> <td style="text-align: center; width: 10%;">DEF</td> <td style="width: 10%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>CITIZEN OF THIS STATE</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td>INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>CITIZEN OF ANOTHER STATE</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td>INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>CITIZEN OR SUBJECT OF A FOREIGN COUNTRY</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td>FOREIGN NATION</td> </tr> </table>	PLF	DEF		PLF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	<input type="checkbox"/> 3	<input type="checkbox"/> 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION
PLF	DEF		PLF	DEF																					
<input type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE																				
<input type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE																				
<input type="checkbox"/> 3	<input type="checkbox"/> 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION																				

IV. 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 District)
 6 MULTIDISTRICT LITIGATION - TRANSFER
 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT

8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

YES NO
 Does the relief requested in the complaint or petition seek to bar or mandate statewide and/or nationwide enforcement of a state and/or federal law, including a rule, regulation, policy, or order of the executive branch of a state and/or federal agency, whether by declaratory judgment and/or any form of injunctive relief?

- (IF COMPLEX, CHECK REASON BELOW)
- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE

FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IF) _____
JUDGE _____	MAG. JUDGE _____ <i>(Referral)</i>	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK
- 880 DEFEND TRADE SECRETS ACT OF 2016 (DTSA)

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSDI TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/TCC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 485 TELEPHONE CONSUMER PROTECTION ACT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT 899
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI-TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
 JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

DATE