UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND, OREGON

Caroline Neseka WERE
Petitioner,

v.

Pamela BONDI, Attorney General of the United States in her official capacity;

U.S. DEPARTMENT OF HOMELAND SECURITY;

Kristi NOEM, Secretary of the U.S. Department of Homeland Security in her official capacity;

Todd LYONS, Acting Director of U.S. Immigration and Customs Enforcement in his official capacity;

Laura HERMOSILLA, Director of the Seattle Field Office of Immigration and Customs Enforcement (ICE)'s Enforcement and Removal Operations (ERO) in her official capacity;

Respondents.

Case No.: 26-453
[redacted]

PETITION FOR WRIT OF HABEAS CORPUS

Gonzales Immigration Law Office,
1000 SW Broadway #2300,
Portland, OR 97205 (503) 274-1680

INTRODUCTION

1. Approximately 8 years ago, Petitioner Caroline Neseka Were fled violence in Kenya and came to the United States seeking safety and protection. She was a woman activist in Kenya who was kidnapped and beaten because of her political beliefs. Petitioner had filed an affirmative asylum case under political asylum due to the kidnapping that she suffered in Kenya, however her petition was denied by the Portland Immigration Court. Petitioner was ordered removed and granted voluntary departure on May 21, 2019. Petitioner appealed to the Board of Immigration Appeals, but her appeal was dismissed on September 27, 2022. Petitioner appealed to the United State Court of Appeals for the Ninth Circuit on December 5, 2023, but her petition was denied on December 7, 2023.

2. On August 23, 2023, Petitioner married her spouse, Emmanuel Lerory Scott, in Portland, Oregon. Petitioner and her husband filed their I-130, Petition for Alien Relative, with the United States Citizenship and Immigration Services (USCIS). Petitioner's I-130 interview with USCIS is scheduled for Tuesday, March 10, 2026, so that she may proceed with her immigration relief.

2. Respondents now seek to detain Mrs. Were, transfer her away from the district of her family and community, and deport her. Respondents do so based not on her circumstances or facts, but on Respondents' interpretation of President Trump's whim. It is unlawful to detain and deport Mrs. Were without providing

her with the due process of law.

3. This is an action for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy the unlawful detention of Petitioner Caroline Neseka Were. She is currently in U.S. Immigration and Customs Enforcement (ICE) constructive custody for habeas corpus purposes pursuant to a final order of deportation. *See Nakaranurack v. United States*, 68 F.3d 290 (9th Cir. 1995). Petitioner asks this Court to find that Respondents' attempts to detain, transfer, and deport her are arbitrary and capricious and in violation of the law, and to issue an order preventing her detention, transfer out of the district, and deportation.

JURISDICTION

4. Petitioner Caroline Neseka Were is in constructive custody of Respondents and ICE, an agency within the Department of Homeland Security ("DHS"). She is currently subject to a final order of deportation issued on May 21, 2019.

5. Jurisdiction is proper under 28 U.S.C. §§ 1331 (federal question), 2241 (habeas corpus); U.S. Const. art. I, § 2; (Suspension Clause); and 5 U.S.C. § 702 (Administrative Procedure Act).

6. 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, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

7. Nothing in the Immigration and Nationality Act (INA) deprives this Court of Jurisdiction, including 8 U.S.C. §§1252(b)(9), 1252(f)(1), or 1226(e). Congress has expressly preserved judicial review of challenges to prolonged immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-841 (2018) (holding that 8 U.S.C. §§ 1226(e), 1252(b)(9) do not bar judicial review of such challenges).

VENUE

8. Venue is proper because Petitioner resides within this judicial district, where she is subject to Respondents' final removal order and therefore is in their constructive custody. Venue is further proper because a substantial part of the events or omissions giving rise to her claims occurred in this District, where Petitioner received her final removal order.

9. For these same reasons, divisional venue is proper under Local Rule 3-2.

THE PETITIONER

10. Petitioner Caroline Neseka Were is a resident of the state of Oregon, and present in the state of Oregon as of the time of filing of this petition.

CUSTODY

11. Under 28 U.S.C. § 2241(c), only persons "in custody" may apply for a writ of habeas corpus. "Custody includes either physical custody or constructive custody, where the person is under a restraint on liberty not shared by the public

generally.[1] For example, this includes persons subject to a final order of deportation. *Nakaranurack* v. United States, 68 F.3d 290, 293 (9th Cir. 1995).

12. Petitioner Caroline Neseka WERE is "in custody" of the Respondents because she is currently subject to a final order of deportation.

THE RESPONDENTS

12. Respondent Pamela BONDI is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

13. Respondent DHS is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

14. Respondent Kristi NOEM is the Secretary of the DHS. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is named in her official capacity.

15. Respondent Todd LYONS, ICE Director, is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants.

[1] *Jones v. Cunningham*, 371 U.S. 236, 240, 83 S. Ct. 373, 9 L. Ed. 2D 285 (1963) ("[B]esides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus.").

He is a legal custodian of Petitioner and is named in his official capacity.

16. Respondent Laura HERMOSILLA is the Director of the Seattle Field Office of ICE's Enforcement and Removal Operations (ERO) division. As such, Ms. Hermosilla is Petitioner's immediate custodian and is responsible for her detention. She is named in her official capacity.

HABEAS CORPUS REQUIREMENTS UNDER 28 U.S.C. §§ 2241, 2243

17. 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 OSC 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).

18. 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).

19. Petitioner is "in custody" for the purpose of § 2241 because she is subject to Respondents' final removal order. The Ninth Circuit has held that a person subject to a final removal order, as Petitioner is here, is "in custody" for the purposes of the habeas statute. See *Veltmann-Barragan v. Holder*, 717 F.3d 1086, 1088 (9th Cir. 2013) (quoting *Nakaranurack v. United States*, 68 F.3d 290, 293 (9th Cir. 1995));

see also, e.g., *Rosales v. Bureau of Immigr. And Customs Enf't*, 426 F.3d 733, 735 (5th Cir. 2005).

LEGAL REQUIREMENTS FOR MOTION TO REOPEN

20. An immigration judge may upon the motion of the alien, reopen or reconsider any case in which the judge has rendered a decision, unless jurisdiction is vested within the Board of Immigration Appeals. 8 C.F.R. § 1003.23(b)(1). A party may file only one motion to reopen proceedings. *Id.*

21. Generally, a motion to reopen must be filed within 90 days of the date of entry of the final administrative order of removal, deportation, or exclusion. *Id.* However, by regulation, an immigration judge can reopen a removal order sua sponte at any time. *See id.*

22. A motion to reopen proceedings shall state the new facts that will be proven at a hearing to be held if the motion is granted and shall be supported by affidavits and other evidentiary material. 8 C.F.R. § 1003.23(b)(3). Any motion to reopen for the purpose of acting on an application for relief must be accompanied by the appropriate application for relief and all supporting documents. *Id.* A motion to reopen will not be granted unless the immigration judge is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the former hearing. *Id.* A motion to reopen for the purpose of providing the alien an opportunity to apply for any form of discretionary relief will not be granted if it appears that the alien's right to apply for such relief

was fully explained to them by the immigration judge and an opportunity to apply therefor was afforded at the hearing, unless the relief is sought on the basis of circumstances that have arisen subsequent to the hearing. *Id.*

23. Any departure from the United States, including the deportation or removal of a person who is the subject of exclusion, deportation, or removal proceedings, occurring after the filing of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion. 8 C.F.R. § 1003.23(b)(1).

LEGAL REQUIREMENTS FOR PETITION FOR ALIEN RELATIVE

24. Petitions may be filed for an alien's classification as an immediate relative under section 203(a) of the Immigration and Nationality Act. 8 C.F.R. § 204.1(a). A United States citizen may file a petition on behalf of his spouse. 8 C.F.R. § 204.2(a)(1). A citizen petitioning for a qualifying relative must file a Form I-130, Petition for Alien Relative. 8 C.F.R. § 204.1(a)(1).

25. The petitioning spouse must submit evidence that consists of documents which establish his United States citizenship and the claimed relationship of the petitioner to the beneficiary. 8 C.F.R. § 204.1(f)(1).

FACTUAL ALLEGATIONS

26. On January 20, 2025, the president of the United States issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order (EO) setting out a series of interior immigration enforcement actions. The present administration, through this and

other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation.

27. The "Protecting the American People Against Invasion" EO instructs the DHS Secretary "to take all appropriate action to enable" ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

28. In late May 2025, Respondent KRISTI NOEM and White House Deputy Chief of Staff Stephen Miller met with ICE leadership and set a arrest quota of 3,000 per day and reportedly threatening job consequences if officials failed to meet arrest quotas.[2]

29. On May 28, 2025 Deputy Chief of Staff Miller confirmed that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day."[3]

30. Following the directive from Noem and Miller, ICE agents were instructed

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[2]Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494 (last visited Nov 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller (last visited Nov. 26. 2025).

[3]Hannity, Sean, "Stephen Miller says the admin wants to create the strongest immigration system in US History", FOX NEWS (May 28, 2025), https://www.foxnews.com/video/6373591405112 (last visited Nov. 26, 2025).

in an email to "turn the creativity knob up to 11" and aggressively "push the envelope" in arrests, including by pursuing "collaterals." One email is reported to have said: "If it involves handcuffs on wrists, it's probably worth pursuing.".[4]

CIRCUMSTANCES OF PETITIONER'S CASE

31. Petitioner Caroline Neseka Were is a 48-year-old woman, born in Kenya on [redacted]. She was 40 years old when she entered the United States seeking political asylum. Petitioner sole entrance into the United States was on August 7, 2017, and she has since resided in the United States.

32. Petitioner was a woman activist in Kenya who was kidnapped and beaten because of her political beliefs. Petitioner had filed an affirmative asylum case under political asylum due to the kidnapping that she suffered in Kenya, however her petition was denied by the Portland Immigration Court. Petitioner was ordered removed and granted voluntary departure on May 21, 2019. Petitioner appealed to the Board of Immigration Appeals, but her appeal was dismissed on September 27, 2022. Petitioner appealed to the United State Court of Appeals for the Ninth Circuit on December 5, 2023, but her petition was denied on December 7, 2023.

33. Petitioner currently resides in [redacted], with her U.S. Citizen spouse, Emmanuel Lerory Scott. Petitioner's spouse is 62 years old and is in poor health. Petitioner and her spouse were wed on August 25, 2023. Though she is

[4]Olivares, José , "US immigration officers ordered to arrest more people even without warrants," The Guardian (Jun 4, 2025) https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests

currently unemployed, Petitioner volunteers as a caregiver. She also helps her husband with his medical care and needs and provides him with emotional and mental support.

34. Petitioner and her spouse filed Form I-130, Petition for Alien Relative, with the United States Citizenship and Immigration Services (USCIS) on March 4, 2024. Petitioner's I-130 interview with USCIS is scheduled for Tuesday, March 10, 2026, so that she may proceed with her immigration relief. Petitioner will be filing a Motion to Reopen her removal proceedings based on her changed circumstances, including her marriage to her U.S. Citizen spouse, and her filed I-130, Petition for Alien Relative.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

35. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

36. Due process requires that government action be rational and non-arbitrary. See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Due process also requires notice and "the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting

Armstrong v. Manzo, 380 U.S. 545, 552 (1965)).

37. Here, Petitioner reasonably believes Respondents will detain and deport her in an arbitrary manner and not based on a rational and individualized determination of whether she is a safety or flight risk, in violation of due process. Petitioner is now eligible and able to submit a Motion to Reopen due to changes in her circumstances and has submitted an I-130, Petition for Alien Relative, based on her spouse's U.S. citizenship. Detaining and removing Petitioner when no circumstances have changed to make her a flight risk or a danger to the community would preemptively terminate her Motion to Reopen and violate due process.

PRAYER FOR RELIEF

38. Wherefore Petitioner prays for relief as follows in that this court:

a) Assume jurisdiction in this matter;

b) Issue an immediate order barring the Respondents from detaining and removing Petitioner from the state of Oregon without notice to the court and approval by the court;

c) Issue an order to show cause why this petition should not be granted within three (3) days if Petitioner is detained.

d) Declare that Petitioner's detention and removal violate applicable regulations, the INA, and the Fifth Amendments to the Constitution of the United States.

e) Issue a writ of habeas corpus ordering Respondents to release Petitioner

from custody if Petitioner is detained.

f) Award Petitioner reasonable attorneys' fees and costs under the Equal Access to Justice Act and any other statute applicable to this matter.

g) Grant any further relief as the court may deem just and proper.

Dated this 9th day of March of 2026.

/s/ Jeffrey C. Gonzales

OSB # 822664
Attorney for Petitioner

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

CAROLINE NEKESA WERE

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Gonzales, Gonzales, & Gonzales (503) 274-1680
1000 SW Broadway, Suite 2300, Portland, OR 97205

DEFENDANTS

USDOJ, PAMELA BONDI, US DHS, KRISTI NOEM, USICE, TODD M. LYONS, LAURA HERMOSILLA

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.

Attorneys *(If Known)*

U.S. Attorney for District of Oregon
1000 SW Third Ave, Portland, OR 97204 (503)727-1000

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

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 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)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 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
- ☐ 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

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

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

Brief description of cause:
Alien detained by respondents without due process of law.

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

SIGNATURE OF ATTORNEY OF RECORD

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.