

Rule 112. Special Proceedings

1. Habeas Corpus Motions

a. Applicability of General Rules

Petitions for habeas corpus filed pursuant to 28 U.S.C. § 2254 and motions filed pursuant to 28 U.S.C. § 2255 shall be governed, respectively, by the Rules Governing § 2254 Cases In The United States District Courts and the Rules Governing § 2255 Proceedings In The United States District Courts.

b. Return of Insufficient Petitions

The Clerk of the Court may, upon Court order, return petitions that do not comply with Rules 2 and 3 of the above Rules but shall retain a copy of them as required by said Rules.

c. Form

Petitions shall be filed on forms as they are approved from time to time by order of the Court.

d. Filing Fee for § 2254 Actions

A filing fee of \$5.00 shall be required for 28 U.S.C. § 2254 actions unless the Court authorizes the petitioner to proceed *in forma pauperis*. The Court generally will not authorize a petitioner who has \$25.00 or more available after payment of the fee to proceed *in forma pauperis*.

e. No Responses to § 2255 Motions Required Without Court Order

The Government need not respond to a motion filed under 28 U.S.C. § 2255 unless requested by the Court.

2. Prisoners' Civil Rights Actions

a. Forms

All *pro se* civil rights actions brought by inmates of penal institutions shall be filed on forms approved from time to time by order of the Court. Petitions to proceed *in forma pauperis* shall likewise be filed on forms approved from time to time by the Court. The Court may authorize penal institutions to produce, stock or distribute such approved forms.

b. Filing and Service

All communications shall be directed to and filed with the Clerk and a copy of them served upon the opposing party or counsel in accordance with Fed. R. Civ. P. 5.

3. **Multi-District Litigation**

a. **Numbering and Docketing**

A group of actions transferred to this District under 28 U.S.C. § 1407 shall be given the composite number previously assigned by the Multi-District Panel. Individual actions within the group shall be given specific civil action numbers. The Clerk shall maintain a multi-district litigation sheet for the group of actions compositely numbered. All papers submitted for filing shall be docketed only on this sheet.

b. **Counsel Need Not Be a Member of the Bar of This Court**

Counsel representing a party in a transferred action need not be a member of the bar of this Court, and such a party need not have resident counsel.

c. **Notification of Address**

Upon receipt of an order of transfer, all counsel in the transferred action shall notify the Clerk of their names, addresses and telephone numbers. No party may list more than one attorney as its representative for purpose of service.

4. **Condemnation Cases - Request For Immediate Possession**

A plaintiff in a condemnation case seeking immediate possession of land shall submit a statement reciting (a) whether or not the land is improved and, if so, a specific description of the improvements, (b) whether or not the land is occupied and, if so, the name and address of the occupant and (c) whether the owner and the occupant consent to plaintiff's taking immediate possession.

5. **Review of Jeopardy Assessments**

All actions arising under 26 U.S.C. § 7429 shall bear the designation "Review of Jeopardy Assessment" on the complaint next to the style of the case. A proposed show cause order shall be submitted with the complaint, and the Clerk shall immediately bring the action to the attention of the Court. Failure to comply with this Rule may result in dismissal of the action.