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JUNE 15, 2026

CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA

BY s/J.Soderberg DEPUTY

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

In the matter of  
IMMIGRATION HABEAS  
PETITIONS UNDER 28 U.S.C. § 2241

GENERAL ORDER 26-09

This General Order establishes a case assignment and scheduling procedure to address the influx of petitions for writs of habeas corpus filed by persons seeking immigration-related relief pursuant to 28 U.S.C. § 2241 (“§ 2241 Immigration Petitions”). Given the unprecedented volume of these filings, it is necessary to expand the pool of available judges and standardize a schedule to expedite resolution of these cases. These procedures will apply to all § 2241 Immigration Petitions, unless otherwise ordered by the judge assigned to the case.

**IT IS HEREBY ORDERED:**

**1. Case Assignment and Consent to a Magistrate Judge – Electronic Filings**

When a petitioner files a § 2241 Immigration Petition via CM/ECF, the petitioner will be given the option of consenting to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636 during the case-initiating process. The United States has consented to Magistrate Judge jurisdiction over § 2241 Immigration Petitions, subject to its reserved right to withdraw consent in a particular case. (*See Exhibit A*).

1           If the petitioner consents to Magistrate Judge jurisdiction during the case-initiating  
2 process, the Clerk of the Court will randomly assign the petition to either a Magistrate  
3 Judge or a District Court Judge. If the petitioner does not consent during the case-initiating  
4 process or the United States timely withdraws consent, the case will be assigned to a  
5 District Judge. To withdraw consent in a particular case, the United States must file a notice  
6 of withdrawal of consent within 3 days of service of the petition, or within 24 hours of  
7 service if an application for a temporary restraining order accompanies the petition. If the  
8 parties consent to Magistrate Judge jurisdiction, the assigned Magistrate Judge will preside  
9 over the case for all purposes.

10           The Court encourages the parties' consent to the jurisdiction of a Magistrate Judge.  
11 Consent promotes judicial efficiency, allows the case to proceed before a single judicial  
12 officer, and avoids the delay associated with the preparation and review of a Report and  
13 Recommendation. Declining to consent will have no adverse substantive consequences.  
14 Nothing in this Order prevents the parties from consenting to the jurisdiction of a  
15 Magistrate Judge at a later stage of the case, subject to approval of the District Judge.

## 16       **2. Case Assignment and Consent to a Magistrate Judge - Paper Filings**

17           If a self-represented petitioner files a petition in paper and declines consent or fails  
18 to indicate whether petitioner consents, the case will be assigned to a District Judge. All  
19 self-represented petitioners filing in paper will be mailed a copy of the standard scheduling  
20 order.

## 21       **3. Service and Standard Schedule**

22           Once a petition is docketed, the Clerk of Court will promptly serve the petition on  
23 the United States Attorney's Office via email at the email address specified in the  
24 Memorandum of Understanding authorizing electronic service of process. The Clerk of  
25 Court will also promptly issue a notice of the Court's standard scheduling order. The notice  
26 must provide the following schedule for the filing of responses and replies:

- 27           (a) Notice of Appearance: 3 calendar days after the Clerk of Court issues the  
28               standard scheduling order.

1 (b) Respondent's Answer: 7 calendar days after the Clerk of Court issues the  
2 standard scheduling order, absent a terminating order from the Court. Any  
3 arguments that the petition should be dismissed must be made in the answer  
4 and not by separate motion.

5 (c) Petitioner's Reply: 3 calendar days after the filing of an answer for  
6 represented petitioners; 14 days from service of the answer for self-  
7 represented petitioners.

8 If any party seeks to accelerate or extend the briefing schedule, the parties must  
9 promptly meet and confer, except in actions where the petitioner is an unrepresented  
10 detainee. After doing so, the parties must file a stipulation or a joint statement that contains  
11 the parties' competing proposals for a briefing schedule.

12 A request to extend the briefing schedule will be favorably considered if a petition  
13 contains additional claims. This includes, but is not limited to, claims for relief under the  
14 Administrative Procedure Act (APA) and claims for mandamus relief.

15 The matter will be submitted for final disposition upon the filing of the reply. No  
16 hearing will be held unless ordered by the Court. The assigned Judge may modify any  
17 portion of the standard scheduling order as the circumstances of the case may require.

#### 18 **4. Temporary Restraining Orders and Preliminary Injunctions**

19 The standard scheduling order is intended to provide a prompt resolution of habeas  
20 petitions and reduce the contemporaneous filing of motions for a temporary restraining  
21 order or other injunctive relief. Motions for temporary restraining orders should be reserved  
22 for cases where the petitioner alleges imminent, irreparable harm that cannot be addressed  
23 by the standard scheduling order or by expediting the standard schedule, such as imminent  
24 removal from the United States. If the petitioner believes an application for a temporary  
25 restraining order is appropriate, the application must be filed separately from the petition  
26 and must comply with Rule 65, Fed. R. Civ. P. The filing of an application for a temporary  
27 restraining order does not alter or suspend the parties' obligations under the standard  
28 schedule for briefing the petition for final disposition. The District Judge or the Magistrate

1 Judge, where the parties have consented to Magistrate Judge jurisdiction, will manage the  
2 case through completion, including any adjudication of any application for preliminary  
3 equitable relief.

4 **5. Notice of Removal of Petitioner from the United States**

5 During the pendency of these proceedings, the government must provide at least  
6 two business days' notice to the petitioner, petitioner's counsel—if petitioner has counsel,  
7 and the Court of its intent to remove the petitioner from the United States and must not  
8 remove the petitioner during that time period.

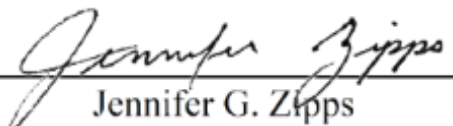
9 **6. Automatic Substitution of Warden if Proper Respondent is not Named**

10 If a petition fails to name a proper Respondent, the Warden for the facility at which  
11 petitioner is housed will automatically be substituted as a respondent by the Court under  
12 Rules 19(a) and 21, Fed. R. Civ. P.

13 **7. Respondents' Non-Opposition to Release**

14 If respondent(s) do not oppose a petitioner's release, respondent(s) must release the  
15 petitioner within 2 calendar days of filing the notice of non-opposition and file a notice of  
16 compliance with the Court within 3 days of release.

17 Dated this 12<sup>th</sup> day of June, 2026.

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21 Jennifer G. Zipp  
22 Chief United States District Judge  
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U.S. Department of Justice

United States Attorney  
District of Arizona

Two Renaissance Square  
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Phoenix, AZ 85004-4449

Main: (602) 514-7500  
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June 8, 2026

*Sent Via E-mail*

Re: General Consent to Disposition by Magistrate Judge in Immigration Habeas Cases

Dear Chief Judge Zipps:

The U.S. Attorney's Office for the District of Arizona (USAO) represents United States Immigration and Customs Enforcement (ICE), and ICE employees named in their official capacity, in immigration-related habeas cases filed in the District of Arizona under 28 U.S.C. § 2241. Effective immediately, the USAO hereby consents, pursuant to 28 U.S.C. § 636(c)(1), to the disposition by either a United States Magistrate Judge or a United States District Judge (at the discretion of the Court) in all such cases.

The U.S. Attorney's Office for the District of Arizona reserves its right to withdraw consent in any individual case, and to withdraw this general consent, at any time.

Please do not hesitate to contact me if you have any questions

Sincerely,

Digitally signed by  
TIMOTHY COURCHAINE  
Date: 2026.06.11  
15:29:15 -07'00'

TIMOTHY COURCHAINE  
United States Attorney  
District of Arizona

TC/tah