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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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IN THE MATTER OF APPOINTMENT  
OF COUNSEL FOR IMMIGRATION  
DETAINEES SEEKING HABEAS  
RELIEF UNDER 28 U.S.C. § 2241

GENERAL ORDER  
26-005

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Pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A(a)(2)(B), and to facilitate the efficient handling of habeas corpus petitions filed under 28 U.S.C. § 2241 by individuals detained in immigration custody within the District of Utah, the court issues the following Order.

The interests of justice require that the Office of the Federal Public Defender for the District of Utah is hereby provisionally appointed to represent any individual who meets the following criteria:

- The individual has contacted the Federal Public Defender seeking representation in connection with a habeas corpus petition;
- The individual is detained in immigration custody in the District of Utah;
- The individual is, or appears to be, financially eligible for representation; and
- The individual has one or more colorable claims to relief that are cognizable under 28 U.S.C. § 2241.

While provisionally appointed, the Federal Public Defender is authorized to:

- Screen and investigate whether filing a habeas petition is appropriate;

- Prepare and file any petitions, motions, or applications, including requests to stay removal, as deemed necessary; and
- Present such matters to the court for disposition.

The filing fee for any petition prepared under the provisional appointment is provisionally waived. When filing a petition, the Federal Public Defender will also file a Motion to Proceed in Forma Pauperis, demonstrating the petitioner's financial eligibility for appointment of counsel. If the assigned judge is satisfied that the petitioner is financially eligible for appointment of counsel, the judge will grant the Motion to Proceed in Forma Pauperis. If, however, the assigned judge is not satisfied that the petitioner is financially eligible for appointment of counsel, the judge may request additional financial information or order payment of the filing fee and rescind the provisional appointment of the Federal Public Defender. In addition, if the assigned judge is not satisfied that the interests of justice require the appointment of the Federal Public Defender, the assigned judge retains the discretion to rescind the provisional appointment.

When the Federal Public Defender files a petition under the provisional appointment, the court will review the petition under 28 U.S.C. § 2243 to determine whether to issue an order to show cause.

At any point, if the Federal Public Defender identifies a conflict of interest or other good cause that would preclude representation, the Federal Public Defender will notify the court and, if appropriate, request the appointment of substitute counsel from the Criminal Justice Act Panel.

This Order is intended to promote timely and consistent resolution of habeas matters involving immigration detention, ensure compliance with statutory requirements,

and reduce the need for ad hoc appointment requests.

**SO ORDERED** this 20th day of April 2026.

BY THE COURT:



JILL N. PARRISH

Chief United States District Judge