

## How to Use the Federal Courts to Your Advantage – Be Not Afraid



### Moderator:

- *Anthony Drago, Jr.*

### Panelists:

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***I. Are you ready to litigate?  
Habeas Corpus and Mandamus  
– when is it time to file suit in the U.S.  
District Court?***

## Habeas Actions



- Is there a requisite length of detention/custody to file a habeas petition?
- What type of relief is sought in a habeas petition? (e.g., release from custody or other relief).
- When might counsel need to seek injunctive relief (TRO or PI)?

## Mandamus Actions



- What is a mandamus action and what relief is sought?
- In what types of cases is mandamus action appropriate?
- In delay cases, how does counsel demonstrate that the case has been pending for an unreasonable amount of time?

***II. Now that you are ready to litigate, how do you prepare and file your lawsuit in federal court?***



- What court rules and procedures govern mandamus and habeas actions?
- Electronic filing
- Attorney admissions
- Filing fees and associated costs

**Habeas and Mandamus Actions**



- Who is/are the plaintiffs?
- Who is/are the defendants?
- Individual v. official capacity

# Complaint Requirements



- Introduction
- Jurisdiction
- Venue
- Exhaustion
- Description of the parties
- Statement of the Factual Allegations
- Causes of action; and
- Prayer for relief.

What is your ultimate goal when you draft your Complaint?

## Practical Issues after filing



Service of the Summons and Complaint

Government counsel

Government response period

## Issues after filing (cont.)



What if government counsel asks for more time to file a responsive pleading?

When do settlement negotiations begin?

What if the government files a motion to dismiss or other dispositive motion?

## Issues after filing (cont.)



Is discovery often necessary?

What is the normal turnaround from start to finish for most cases?

Are attorney fees available?

Q&A?