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## 9-37.000 - Federal Habeas Corpus

Federal prisoners may file two different kinds of motions for post-conviction relief: "Section 2255 motions" and "Section 2241 habeas corpus petitions."

Prisoners may file motions under 28 U.S.C. § 2255 challenging their convictions and sentences. A Section 2255 motion must be filed in the district where the prisoner was convicted and sentenced. The motion usually seeks to have the sentence or conviction vacated and may also request resentencing. As a general matter, Section 2255 is the proper vehicle for almost all federal prisoner collateral attacks.

Prisoners may file post-conviction habeas corpus petitions under 28 U.S.C. § 2241 in two circumstances: 1) where the prisoner does not challenge the validity of his conviction and sentence, but rather its execution (for example, claims that the BOP miscalculated a sentence or failed to properly award good time credits, or complaints about conditions of confinement are properly raised in habeas corpus petitions), and 2) in exceptional cases where the prisoner can show that his remedy under Section 2255 is "inadequate or ineffective" under 28 U.S.C. § 2255 ¶ 5. Section 2241 habeas corpus petitions must be filed in the district where the prisoner is confined, and are litigated by the U.S. Attorneys' Offices in the districts where the petitions are filed.

AUSAs who have questions about handling a Section 2255 motion or Section 2241 habeas corpus petition should consult their office liaison in the Criminal Appellate Section. See also [Criminal Resource Manual 745](#) ("Protocol for the Effective Handling of Collateral Attacks on Convictions Brought Pursuant to 28 U.S.C. 2241").

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