

Civil Litigation Concepts of Habeas Litigation

Virtual CLE presented for the U.S. District Court for the District of Puerto Rico

August 8, 2025

1:00 p.m. - 2:15 p.m. (AST)

Presented by

Ngozi Ndulue

Associate Professor of Law

Director of the Post-Conviction Criminal Defense Clinic

University of the District of Columbia David A. Clarke School of Law

Ngozi.Ndulue@udc.edu

Kevin E. Lerman

Assistant Federal Public Defender

Office of the Federal Public Defender - District of Puerto Rico

Kevin_Lerman@fd.org

CLE Overview

This session is the third installment in the Virtual Continuing Legal Education Training Series on Habeas Corpus Litigation. It is geared toward criminal law practitioners and focuses on the civil procedure aspects of habeas corpus litigation. It will also be useful for civil practitioners new to habeas litigation since this litigation has important procedural differences from the usual civil case. The session will include discussion of the Rules Governing 2254 and 2255 Proceedings, initiating federal habeas litigation, defending against motions to dismiss, and post-judgment motions related to habeas litigation.

Agenda

- **Welcome and introduction to the CLE**
- **Rules governing habeas proceedings:** What rules govern federal habeas litigation? Where should you look to find guidance? How do the Federal Rules of Civil Procedure intersect with habeas specific rules?
- **Crucial stages:** What are the phases of habeas litigation in a federal district court? How does this differ from typical civil cases? What standards should you keep in mind when amending a habeas petition, responding to a motion to dismiss, and seeking evidentiary development? What can you do if some of your claims are unexhausted?
- **After the decision:** What are your options if habeas relief is denied? What post-judgment motions are common in habeas cases? What is a certificate of appealability, and where do you pursue it?
- **Q&A**