Office of the Attorney General
Washington, D. C. 20530

November 24, 2026

MEMORANDUM FOR: ALL DEPARTMENT EMPLOYEES

FROM: THE ATTORNEY GENERAL

SUBJECT: SURGING DEPARTMENT RESOURCES TO ADDRESS INCREASING HABEAS LITIGATION

On January 20, 2025, President Trump signed Executive Order 14159, entitled *Protecting the American People Against Invasion*, which required the federal government to protect Americans from the invasion of criminal aliens under the previous Administration. Since then, the Department of Justice has faithfully executed our Nation's immigration laws by prosecuting thousands of immigration-related criminal offenses and defending a deluge of habeas petitions filed by illegal aliens' attorneys. This increase in habeas petitions resulted, in part, from the immigration bar's attempt to thwart President Trump's promise to the American people to prioritize their safety and security. These habeas petitions, many of which are frivolous, have substantially burdened U.S. Attorneys' Offices around our Nation. To continue this Administration's great success in immigration enforcement, the Department must surge significant assistance and resources from the Department's roughly 2,000 litigators in our civil components. The Department is the largest law firm in the world, and we will overcome any challenge we face just as we have done in the past.[1]

President Trump's leadership has stemmed the tide of an immigration crisis. The Biden administration's failure to enforce immigration laws allowed millions of illegal aliens to flood American communities. This resulted in not only significant threats to national security and public safety, but a complete failure to enforce our Nation's immigration laws duly enacted by Congress. But this Administration is committed to reestablishing the rule of law, which includes detaining and deporting illegal aliens in accordance with law. To that end, this Administration has removed over 1.2 million aliens who were in our country illegally. And the Department of Homeland Security continues to detain nearly 2,800 aliens daily for deportation.

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[1] *See* Memorandum from James B. Comey, Deputy Attorney General, to Assistant Attorneys General, Litigating Divisions All United States Attorneys, *Immigration Litigation* (Nov. 4, 2004) (directing all attorneys in litigating components as well as U.S. Attorneys to "take responsibility for roughly 2,200 briefs over the next 4 months" and assist CIV-OIL with immigration appeals).

In light of this Administration's tremendous success in enforcing our Nation's immigration laws, habeas petitions have skyrocketed. Since January 2025, more than 97,000 aliens have filed habeas petitions challenging their detention, often in attempt to circumvent the administrative immigration process prescribed by Congress. The influx of habeas petitions has continued, resulting in approximately 10,000 new petitions filed since October 2026. Despite many such petitions being jurisdictionally barred, the Department must still represent the government's sovereign interest and defend against these petitions.

Since January 2025, habeas petitions have been primarily handled by Assistant U.S. Attorneys across our Nation. As a result, each new habeas petition results in a direct diversion of resources from the Department's U.S. Attorneys' Offices. Many of the Department's U.S. Attorneys' Offices have been overwhelmed by the influx of petitions and impracticable procedures set by the courts. Efforts to thwart this Administration's immigration enforcement policy affect everyone, not just the front-line prosecutors. That is why it is imperative that all Department attorneys who litigate civil matters support prosecutors who have shouldered the burden of habeas petitions for nearly two years.

The rise in habeas petitions has created an immediate need to utilize all Department resources. Therefore, I am directing that the four civil litigating divisions—Antitrust, Civil Rights, Civil, Energy and Natural Resources—as well as the U.S. Trustees Program join in the effort. In addition, my office, as well as attorneys in the Offices of the Deputy Attorney General and Associate Attorney General, will take on habeas matters to assist until the overall number of habeas petitions begins to subside. Our U.S. Attorneys' Offices will also remain active in litigating habeas matters as well.

In the coming weeks, each litigating component shall designate a point of contact for habeas matters. The Director of the Executive Office for U.S. Attorneys will coordinate with the U.S. Attorneys' Offices with the greatest number of habeas cases. To the extent practicable, preference will be given to requests for specific geographic locations based on existing court admissions or other factors. This process will be rolled out component by component. In the event travel is necessary, such costs will be covered. In the meantime, all attorneys will be provided with access to jurisdiction-specific resources, including points of contact for the jurisdiction's Civil Chief and Department of Homeland Security resources. All litigating attorneys will receive access to training on habeas litigation, specifically outlining the various types of challenges aliens have raised since the start of this Administration. Additionally, I am directing the Attorney General's Advisory Committee of the U.S. Attorneys, the Executive Office for U.S. Attorneys, the Civil Division, and the Offices of the Solicitor General, the Associate Attorney General, and the Deputy Attorney General to submit recommendations to the Office of the Attorney General to adopt an aggressive appellate strategy on habeas litigation for the Department. These recommendations must be submitted to the Office of the Attorney General within 30 days of issuance of this Memorandum.

I understand that each litigating component is already working extremely hard and is carrying a significant workload in light of personnel reduction. I also know that many attorneys have already volunteered or offered support in litigating habeas matters. By ensuring that attorneys are assigned no more habeas matters than each attorney can adequately and zealously defend,

combined with providing jurisdiction-specific resources, I hope to mitigate any significant disruption to attorneys' current dockets. We greatly appreciate this assistance to our front-line prosecutors.

President Trump has emphasized that immigration enforcement is a matter of national security. Although thousands of aliens' attorneys are filing habeas petitions to delay their removal from our Nation, this Department stands at the ready to defend the Administration's priorities by litigating these petitions. And I am confident that this Department is uniquely positioned to achieve this task. Your assistance is imperative and I thank you in advance for your help and cooperation.