

Frequently Asked Questions During COVID-19 Pandemic:
Civil Habeas Corpus Process During Emergency Conditions

Process for Bringing a Petition for Writ of Habeas Corpus re Quarantine Detention

The process detailed below is temporary, and is being implemented solely to address the current health and safety issues caused by the COVID-19 pandemic.

To challenge an Order from the Public Health Officer to Isolate or Quarantine, a party must bring a Petition for Writ of Habeas Corpus re Quarantine Detention (Petition) before the Court. All such Petitions will be filed and heard in the Central Division of the San Diego Superior Court, in the Presiding Department.

The process for bringing such a Petition before the Court is as follows:

1. To file a Petition, the Petitioner will complete and sign a Petition for Writ of Habeas Corpus re Quarantine Detention ([SDSC Form #CIV-401](#)) and a Civil Case Cover Sheet ([JC Form #CM-010](#)). For the Civil Case Cover Sheet, this type of Petition should be categorized as an Unlimited action with a case type of Other Judicial Review (39).
2. The Petition must be filed with the San Diego Superior Court via email (WRT@sdcourt.ca.gov). There is no filing fee associated with this filing. **The San Diego County Office of County Counsel (email address Thomas.Bunton@sdcounty.ca.gov) must be copied on the email sent to the court.** This is how the Petition will be served on the Respondent (San Diego County Office of County Counsel on behalf of the County of San Diego, Health and Human Services Agency, Public Health Services). The court will email a conformed copy of the filing to the Petitioner and to the San Diego County Office of County Counsel.
3. The Proof of Service attached to the Petition (page 3) indicating when the San Diego County Office of County Counsel was served must be completed and emailed to the court (WRT@sdcourt.ca.gov) within one day of filing the Petition.
4. Any response to a Petition must be filed via email with the Court (WRT@sdcourt.ca.gov) within two court days from the date of service of the initial Petition. The Petitioner may be served with a copy of the response via email.
5. A judge will review the Petition and all parties will be notified of the decision. If the Petition is denied, all parties will be served, via email, of the decision. If the matter is set for hearing, a Writ of Habeas Corpus re Quarantine Detention (SDSC Form #CIV-403) will be issued with the time and place for the court hearing. The hearing will be set no later than four court days from the date the Petition was filed. All hearings will be heard telephonically and the parties will be provided information on how to participate.

Given the emergency circumstances surrounding the COVID-19 pandemic, and the expedited Petition procedures set forth above, to the extent Petitioner requests that the Petition and any attachments thereto be sealed, the Court will treat the Petition and any attachments containing confidential health information as conditionally lodged under seal at the time the Petition is filed. For these same reasons, and for these writ petitions only, petitioners need not comply with the requirements set forth in California Rules of Court, rule 2.551, subdivisions (b) through (d). The Court will thereafter issue an order regarding sealing of said documents.