

**INSTRUCTIONS FOR FILING A
PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241
FOR A PERSON IN FEDERAL CUSTODY**

1. **WHO SHOULD USE THIS FORM.** You should use this packet if you: (1) are in federal custody; (2) wish to challenge the fact or duration of your confinement; (3) believe your federal constitutional rights have been violated; and (4) do not have a licensed attorney to represent you. If you are attacking a federal sentence, you must first file a direct appeal or a motion under 28 U.S.C. §2255 in the federal court which sentenced you.
2. **FILL OUT THE FORM.** Petitions must be filed on the attached form. All questions on the form must be answered truthfully and concisely in the proper space on the form. Additional pages are not permitted except with respect to the facts upon which you rely to support your grounds for relief.
3. **STATE ONLY FACTS.** Your petition must only set forth the facts upon which you rely in support of your petition for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
4. **TYPE OR PRINT THE PETITION.** Your petition must be typed or legibly handwritten.
5. **PAPER SIZE.** All pleadings and other papers submitted for filing must be on 8 ½" x 11" letter size paper.
6. **RESPONDENT.** Generally the respondent is the Warden at the institution in which you are confined.
7. **FILING FEE.** The filing fee of \$5.00 must be paid at the time of filing. If you do not have the filing fee, you may request to proceed *in forma pauperis*. In requesting to proceed *in forma pauperis*, you must provide the court with information regarding your financial situation and complete the attached forms provided for this purpose.
8. **SCOPE OF PETITION.** Only one sentence, conviction, or parole matter may be challenged in a single petition. If you seek to challenge more than one, you must do so by separate petitions.
9. **WHERE TO MAIL.** When the petition is fully complete, the original and two copies, along with the filing fee or application to proceed *in forma pauperis* must be mailed to: Clerk of Court, United States District Court, Western District of Louisiana, 300 Fannin Street, Suite 1167, Shreveport, Louisiana 71101-3083.
10. **DEFICIENT PETITIONS.** Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
_____ DIVISION**

Petitioner's Name and Number

Civil Action Number

VS.

Judge

Magistrate Judge

Name of Respondent

**APPLICATION FOR FEDERAL WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. §2241**

1. Present place of confinement _____.
2. Indicate the basis for your petition and complete the portions of the application form indicated:
 - a. _____ A conviction.
 - b. _____ A sentence. CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct motion under 28 U.S.C. §2255 in the federal court which entered the judgment.
 - c. _____ Prison discipline.
 - d. _____ A parole problem.
 - e. _____ A detainer placed by the State of _____.
 - f. _____ A deportation order or detainer placed by the Immigration & Naturalization Service.
 - g. _____ Continued detention in the custody of the Immigration & Naturalization Service.
 - h. _____ Other _____

3. PERSONS CHALLENGING A FEDERAL CONVICTION OR SENTENCE COMPLETE THIS PART.

- a. Name and location of court which entered judgment of conviction and the sentence you are currently serving and which is currently under attack. _____

- b. Date of judgment of conviction. _____
- c. Length of sentence imposed. _____
- d. Name of sentencing judge. _____

e. Nature of the offense(s) for which you were convicted (list all counts). _____

f. What was your plea?
_____ Guilty
_____ Not Guilty
_____ Nolo Contendere

If you entered a GUILTY plea to one count or indictment and a NOT GUILTY plea to another count or indictment, give details. _____

g. Type of trial.
_____ Jury
_____ Judge Only

h. Did you testify at trial?
_____ Yes
_____ No

i. Did you appeal from the judgment of conviction?
_____ Yes
_____ No

j. If you did appeal, answer the following:
1. Name of court. _____
2. Result of appeal. _____

3. Date of result. _____
4. Grounds raised on appeal. _____

k. Other than a direct appeal from the judgment of conviction and sentence, have you filed any other petitions, applications or motions with respect to this judgment in any court, state or federal?
_____ Yes
_____ No

If YES, give the following information:
1. Name of court. _____
2. Nature of proceeding. _____

3. Grounds raised. _____

(i) Did you receive an evidentiary hearing on the petition, application, or motion?

_____ Yes

_____ No

(ii) If YES, give the following information:

Result. _____

Date of result. _____

l. Have you filed a motion under Section 2255 of Title 28 of the United States Code to vacate, set aside, or correct the sentence imposed?

_____ Yes

_____ No

If YES, what grounds were presented? _____

m. Do you have any petition, application, or appeal pending in any court, state or federal?

_____ Yes

_____ No

If YES, give the following information:

1. Name of court. _____

2. Nature of proceeding. _____

3. Date of filing. _____

4. Suit Number. _____

5. Current status. _____

n. Have you been sentenced on more than one count of an indictment, or on more than one indictment in the same court at the same time?

_____ Yes

_____ No

o. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack in this petition?

_____ Yes

_____ No

If YES, give the following information:

1. Name and location of the court which imposed the sentence to be served in the future. _____

2. Length of sentence to be served in the future. _____

3. Have you filed or do you contemplate filing any petition attacking the judgment which imposed the future sentence.

_____ Yes

_____ No

4. PERSONS CHALLENGING A DECISION BY THE PAROLE COMMISSION COMPLETE THIS PART.

- a. Have you presented this claim or any other claim challenging the Parole Commission's decision to the National Appeals Board or any other available agency for review?

_____ Yes

_____ No

If YES, what was the result? _____

5. PERSONS CHALLENGING A STATE DETAINER COMPLETE THIS PART.

- a. Have you presented this claim or any other claim concerning the legality of the state detainer placed against you to that state's highest court? (NOTE: Interstate Agreement on Detainers)

_____ Yes

_____ No

6. PERSONS CHALLENGING ACTIONS BY THE IMMIGRATION & NATURALIZATION SERVICE COMPLETE THIS PART.

- a. Have you presented this claim or any other claim concerning the INS's action to the Board of Immigration Appeal?

_____ Yes

_____ No

If YES, what was the date and result of the appeal? _____

7. THIS SECTION IS TO BE COMPLETED BY ALL PETITIONERS.

Specifics of your claim. State concisely and clearly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. Do not cite case law. Give only factual information.

GROUND ONE _____

SUPPORTING FACTS _____

_____ **GROUND**

TWO _____

SUPPORTING FACTS _____

GROUND THREE _____

SUPPORTING FACTS _____

GROUND FOUR _____

SUPPORTING FACTS _____

I declare under penalty of perjury that the foregoing is true and correct.

Date Executed

Signature of Petitioner