

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT _____

Full name, address and prison number (if any)

Petitioner

vs.

Name of Respondent (person having custody
of petitioner)

Respondent

Civil Case No. _____

(To be supplied by the Clerk of the
District Court)

PETITION FOR
WRIT OF HABEAS CORPUS

UNDER 28 USC 2241

INSTRUCTIONS – READ CAREFULLY

This petition must be legibly handwritten or typewritten, signed by the petitioner, and verified under penalty of perjury before an authorized institutional officer. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper place on the form. Where more room is needed to answer any question, insert an additional blank page and be sure to use the question number on the additional page.

No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order. When the form is completed, the original and two copies should be mailed to the Clerk of the US District Court for the Western District of Washington, at Seattle or Tacoma.

If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the affidavit on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefore. You must also

have an authorized officer at the institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your account exceeds \$100.00, you must pay the filing fee.

1. Place of detention _____

2. Name and location of court and name of judge who imposed sentence:

3. The indictment number or numbers (if known) upon which, and the offenses for which, sentence was imposed:

a. _____

b. _____

c. _____

4. The date upon which sentence was imposed and the terms of the sentence:

a. _____

b. _____

c. _____

5. Check whether a finding of guilty was made:

a. After a plea of guilty _____

b. After a plea of not guilty _____

c. After a plea of nolo contendere _____

6. If you were found guilty after a plea of not guilty, check whether that finding was made by:

a. A jury _____

b. A judge without a jury _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:

a. The name of each court to which you appealed:

i. _____

ii. _____

iii. _____

b. The result in each court to which you appealed:

i. _____

ii. _____

iii. _____

c. The date of each result:

i. _____

ii. _____

iii. _____

d. If known, citations of any written opinions or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully.

a.

b.

c.

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

a.

b.

c.

11. Have you previously filed petitions for habeas corpus, motions under section 2255 of Title 28, United States Code, or any other applications, petitions, or motions with respect to this conviction?

12. If you answered “yes” to (11), list with respect to each petition, motion, or application:

a. The specific nature thereof:

i. _____

ii. _____

iii. _____

b. The name and location of the court in which each was filed:

i. _____

ii. _____

iii. _____

c. The disposition thereof:

i. _____

ii. _____

iii. _____

d. The date of each such disposition:

i. _____

ii. _____

iii. _____

e. If known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

13. If you did not file a motion under section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

a.

b.

c.

14. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under 2255 of Title 28, United States Code, or any other petition, motion, or application?

15. If you answered “yes” to (14), identify:

a. Which grounds have been previously presented:

i. _____

ii. _____

iii. _____

b. The proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. Were you represented by an attorney at any time during the course of:

a. Your arraignment and plea? _____

b. Your trial, if any? _____

c. Your sentencing? _____

d. Your appeal, if any, from the judgment of conviction or the imposition of sentence?

e. Preparation, presentation, or consideration of any petitions, motions, or applications with respect to this conviction, which you filed?

17. If you answered "yes" to one or more parts of (16), list:

a. The name of address of each attorney who represented you:

i. _____

ii. _____

iii. _____

b. The proceedings at which each such attorney represented you:

i. _____

ii. _____

iii. _____

18. If you are seeking leave to proceed in forma pauperis, have you completed the sworn affidavit setting forth the required information (see instructions, page 1 of the form)?

Signature of Petitioner

State of Washington)

) as

County of _____)

_____, being first sworn under oath, presents that he/she has subscribed to the foregoing petition and does state that the information therein is true and correct to the best of his/her knowledge and belief.

Signature of Affiant

SUBSCRIBED and SWORN to
before me this _____ day of
_____, _____
(month) (year)

Notary Public (or other official authorized by law to administer oaths)