

MAR 12 1965

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

HAROLD W. ANDERSON, CLERK

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2
3 IN THE MATTER OF THE
4 LOCAL CIVIL RULES FOR
5 THE WESTERN DISTRICT
6 OF WASHINGTON

ORDER AMENDING RULE 65.

7 For good cause therefor appearing IT IS ORDERED that
8 Rule 65 of the local rules of this court is amended to
9 read as follows:

10 Rule 65. Petitions for Habeas Corpus and Motions Pursuant to
11 Title 28 U.S.C. Section 2255 (Attacking a Sentence
12 Imposed by this Court), by Persons in Custody.

13 (a) Petitions for a writ of habeas corpus and motions filed
14 pursuant to Title 28 U.S.C., Section 2255 (attacking a
15 sentence imposed by this court) by persons in custody, shall
16 be in writing, signed and verified. Such petitions and
17 motions shall be on forms supplied by the court.

18 (b) The following information, where applicable, shall be
19 supplied by every petitioner:

- 20 1. Petitioner's full name and prison number (if any);
- 21 2. The name of the Respondent (person having custody of
22 petitioner);
- 23 3. The place of petitioner's detention;
- 24 4. The name and location of the court and name of the
25 judge who imposed sentence;
- 26 5. The indictment number(s) (if known) upon which, and
27 the offense(s) for which, sentence was imposed;
- 28 6. The date upon which sentence was imposed and the
29 terms of the sentence;
- 30 7. Whether a finding of guilty was made after a plea of
31 (1) guilty, (2) not guilty, or (3) nolo contendere;
- 32 8. In the case of a petitioner who was found to be guilty
following a plea of not guilty, whether that finding was
made (1) by a jury or (2) by a judge without a jury;
9. Whether or not petitioner appealed from the judgment
of conviction or from the imposition of sentence, and, if so,
the name of each court to which he appealed, the results of
such appeals, the date of such results, and (if known)
citations of any written opinions or orders entered therein;

1 10. Whether petitioner was represented by an attorney at
2 any time during the course of his arraignment and plea, his
3 trial (if any), his sentencing, his appeal (if any), or
4 preparation, presentation or consideration of any petitions,
5 motions or applications which he filed with respect to this
6 conviction; if so, the name and address of such attorney(s)
7 and the proceedings at which petitioner was so represented;
8 and

9 11. If petitioner seeks leave to proceed in forma pauperis,
10 whether he has completed the affidavit attached to the form.

11 (c) The following additional information, where applicable,
12 shall be supplied by a petitioner in state custody:

13 1. If petitioner did not appeal from the judgment of conviction
14 or the imposition of sentence, the reasons why he did
15 not do so;

16 2. In concise form, the grounds upon which petitioner
17 bases his allegation that he is being held in custody unlaw-
18 fully, the facts which support each of these grounds, and
19 whether any such grounds have been previously presented to any
20 court, state or federal, by way of any petition, motion or
21 application; if so, which grounds have been previously presented
22 and in what proceedings; if not, the reason why such ground
23 has not been previously presented; and

24 3. Whether petitioner has filed in any court, state or
25 federal, previous petitions, applications, or motions with
26 respect to this conviction; if so, the name and location of
27 each such court, the specific nature of the proceedings
28 therein, the disposition thereof, the date of each such dis-
29 position and (if known), citations of any written opinions
30 or orders entered therein.

31 (d) The following additional information shall be supplied
32 by a petitioner in federal custody who is seeking a writ of
habeas corpus:

1. Whether petitioner has filed in any court, state or
federal, previous petitions for habeas corpus, motions
(pursuant to Title 28, U.S.C., Section 2255) to vacate
sentence, or any other petitions, motions or applications
with respect to this conviction; if so, the name and location
of any and all such courts, the specific nature of the
proceedings therein, the disposition thereof, the date of
each such disposition, and (if known) citations of any
written opinions or orders entered therein;

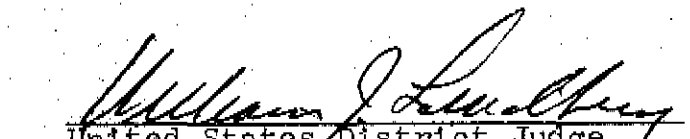
2. In concise form, the grounds upon which petitioner
bases his allegation that he is being held in custody unlaw-
fully, the facts which support each of these grounds, and
whether any such grounds have been previously presented to
any federal court by way of petition for a writ of habeas
corpus, motion pursuant to Title 28, U.S.C., Section 2255,
or any other petition, motion or application; if so, which
grounds have been previously presented and in what proceedings;
and


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(h) Petitioners shall send to the Clerk an original for filing and two copies of the completed petition or motion form for service upon the party to whom such petition or motion shall be addressed.

(i) If a petition or motion is not made and verified by the party in custody the person making such petition or motion shall verify the same on behalf of such party in custody, and shall set forth therein the reason why it is not made and verified by the party in custody, and shall state he knows the facts set forth therein, or if upon information and belief, the sources of his information shall be stated.

The effective date of this order shall be ~~February 1,~~ ^{March 15,} 1965.


United States District Judge


United States District Judge


United States District Judge