

# Filing a Motion to Vacate/Correct Illegal Sentence (2255)

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## Filing Preparation:

Review the following procedures before you begin to file:

- [Local Civil Rule 100 - Petitions For Habeas Corpus Under Title 28 U.S.C. 2241 or 2254 and Motions Pursuant to Title 28 U.S.C. 2255](#)
- [Standards for Entering Party Names in CM/ECF](#)

## Required Documents:

- Motion to Vacate/Set Aside/Correct Sentence (2255)

**Note:** Unlike regular case opening and motion requirements, neither a proposed order nor a civil cover sheet and complaint are required for this case type.

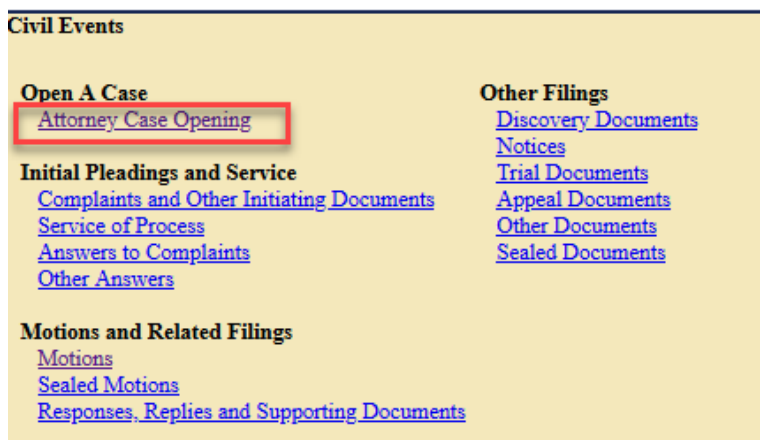
## Filing Fees:

Per LCR 100(d), filing fees are not required when filing a Motion to Vacate/Correct Illegal Sentence (2255).

## Filing instructions:

*Do not docket the Motion to Vacate/Correct Illegal Sentence (2255) in the original criminal case. The motion must be docketed in a new case by performing the following steps:*

1. Go to **Civil > Open A Case > Attorney Case Opening**.



2. The next screen gives you information on how to find help throughout the filing process. To continue, select **Next**.
3. Select the **Office** based on where the original criminal case was filed, i.e. if the original case was filed in Seattle, you would select **Seattle** for the **Office**.

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4. Leave all other fields as they are, then select **Next**.

**Open a Civil Case**

Office  Case type

Date filed: 8/20/2020

Office selection is determined by the county in which:

- defendants reside, or
- defendants have their principal places of business, or
- the claim arose

**Exception:** In cases removed from state court, office selection is determined by the county where the action is pending.

Refer to [LCR 3\(e\)](#) for further information and see [map](#) for county divisions.

**If this is a Removal Case, enter the name and case number of the originating court below:**

Other court name   
(e.g., King County Superior Court)

Other court number   
(e.g., 09-2-000-0-SEA)

5. Enter statistical data in the numbered fields. Use [Table A](#) as a reference.

**Open a Civil Case**

**1** Jurisdiction

**2** Cause of action  Filter:

**3** Nature of suit  Filter:

**4** Origin

Citizenship plaintiff

Citizenship defendant

Jury demand  Class action

**5** County

County is determined by the residence of the *first listed plaintiff* in all actions except for U.S. plaintiff and land condemnation cases.

- If the U.S. government is the plaintiff, use the county of residence of the *first listed defendant*
- In land condemnation cases, use the location of the tract of land involved

**6** Fee status  Fee date

**TABLE A**

Field	Description
<b>1</b> Jurisdiction	Select <b>2 (U.S. Government Defendant)</b> .
<b>2</b> Cause of action	Select <b>28:2255 (28:2255 Motion to Vacate / Correct Illegal Sentence)</b>
<b>3</b> Nature of suit	Select <b>510 (Prisoner: Vacate Sentence)</b> .

## Filing a Motion to Vacate/Correct Illegal Sentence (2255)

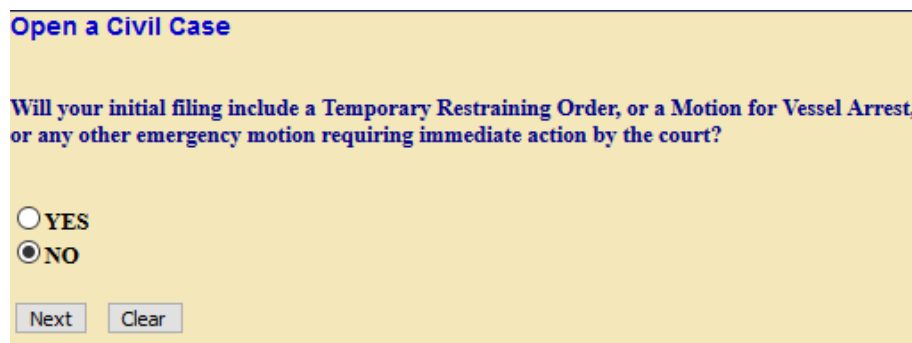
TABLE A	
Field	Description
4	Origin Select <b>1 (Original Proceeding)</b> .
5	County Select the petitioner's current county of residence. If the petitioner is incarcerated outside of this district, select <b>XX US, Outside District</b> .
6	Fee Status Select <b>none (no fee required)</b> .

Leave all other fields blank or at the default option.

- When you are finished, select **Next** to continue.
- Select **Next** on the following screen.



- Select whether your motion includes a Temporary Restraining Order, Motion for Vessel Arrest, or any other emergency motion requiring immediate action by the court.
  - If it does include any of the above, select **Yes** and review the [Emergency Filing Instructions](#) on our website.
  - If it does not include any of the above (this will usually be the case), select **No**, then select **Next**.



- Enter all parties in the case. Review the [How-To Guide to Adding Parties](#) or the [Adding Parties: In-depth training videos](#) for more detailed information on how to add parties in a case.
  - In 2255 cases, parties should be entered as outlined below.

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Order of Parties: Parties must be entered in the order they are listed on the Motion caption.

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Party Roles: Use **Petitioner** and **Respondent**.

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## Filing a Motion to Vacate/Correct Illegal Sentence (2255)

**Petitioner Name:** Search for and select the petitioner's name exactly as it is listed in the criminal case, i.e. do not add/remove middle names or initials if they are/are not listed in the criminal case. Always select the name listed in CM/ECF. Do not Create a New Party.

Add **United States of America** and change the **Role** to **Respondent**.

**Respondent Name:**

The screenshot shows a form titled "Party Information" for "United States of America". It includes a dashed box with instructions: "Fields with a ✓ are applicable to all parties" and "Fields outlined in RED should only be completed if the party is Pro Se". The form fields are: Title (empty), Role (Respondent (res:pty) with a checkmark and a red border), Pro se (No with a checkmark and a red border), Prisoner Id (empty), Unit (empty), and Office (empty).

**Attorneys:** Add co-counsel (if any) for the petitioner.

**Note:** You do not need to add yourself at this time. CM/ECF allows you to create this association when you file the initiating document.

**Party Text:** No party text should be entered for these cases.

10. Once all parties are added, select **Create Case**.

11. You are asked to confirm if a new case should be created.

- If you have not finished adding the parties, select **No**.
- If all parties have been entered, select **Yes**.

12. Write down the case number before proceeding.

**Case Number 20-23 has been opened.**

[Docket Lead Event?](#)

13. You must now file the motion. Select **Docket Lead Event** to start.

**Case Number 20-23 has been opened.**

[Docket Lead Event?](#)

14. Your case number is populated automatically. Select **Next**.

15. On the next screen, the case number and case short title are shown. Do not select the case number, instead select **Next**.

The screenshot shows a screen titled "Complaints and Other Initiating Documents" with a URL "2:20-cv-00023 Jones v United States of America". A red circle with a slash is drawn over the case number and title. At the bottom, there are two buttons: "Next" (highlighted with a red box) and "Clear".

## Filing a Motion to Vacate/Correct Illegal Sentence (2255)

16. Select **Motion to Vacate/Set Aside/Correct Sentence (2255)**, then select **Next**.

**Complaints and Other Initiating Documents**  
2:20-cv-00023 Jones v. United States of America

Available Events (click to select an event)

- Amended Complaint
- Amended Counterclaim
- Amended Crossclaim
- Amended Petition
- Application and Affidavit for Seizure Warrant
- Application for Stay of Execution
- Application for Writ of Garnishment
- Complaint
- Counterclaim
- Crossclaim
- Intervenor Complaint
- Motion for Judgment Debtor Exam
- Motion for Leave to Proceed In Forma Pauperis
- Motion to Vacate/Set Aside/Correct Sentence (2255)**
- Notice of Receivership

Selected Event  
Motion to Vacate/Set Aside/Correct Sentence (2255)

Next Clear

17. Select the petitioner's name as the filer, then select **Next**.

Select the filer.

Select the Party:

- Jones, John [pet]
- United States of America [res]

Next Clear New Filer

18. Select the **United States of America** as the party that the filing is against, then select **Next**.

Please select the party that this filing is against.

Select the Party: OR Select a Group:

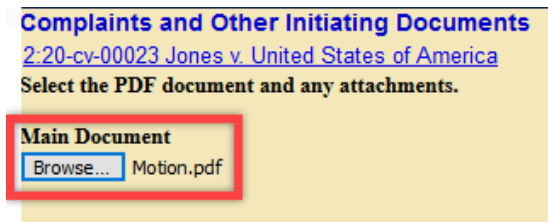
- Jones, John [pet]
- United States of America [res]**

No Group  
 All Defendants  
 All Plaintiffs  
 All Parties

Next Clear New Party

## Filing a Motion to Vacate/Correct Illegal Sentence (2255)

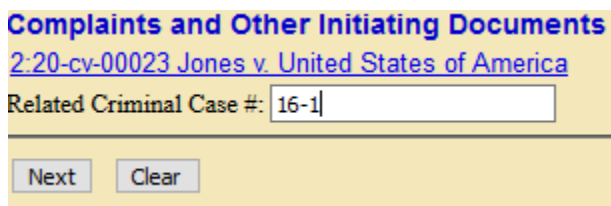
19. Select **Browse** next to **Main Document**.
20. Select the PDF version of the Petition on your computer.
21. The title of the Motion file appears in the **Main Document** field.



**Complaints and Other Initiating Documents**  
[2:20-cv-00023 Jones v. United States of America](#)  
Select the PDF document and any attachments.

**Main Document**  
Browse... Motion.pdf

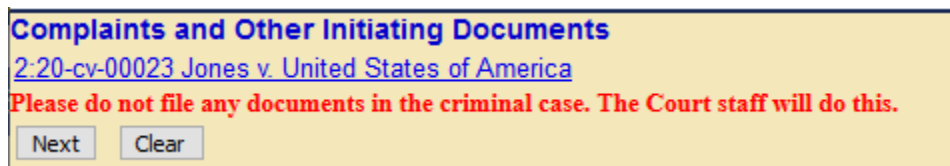
22. Select **Next** to continue.
23. Enter the related criminal case number, then select **Next**.



**Complaints and Other Initiating Documents**  
[2:20-cv-00023 Jones v. United States of America](#)  
Related Criminal Case #:

Next Clear

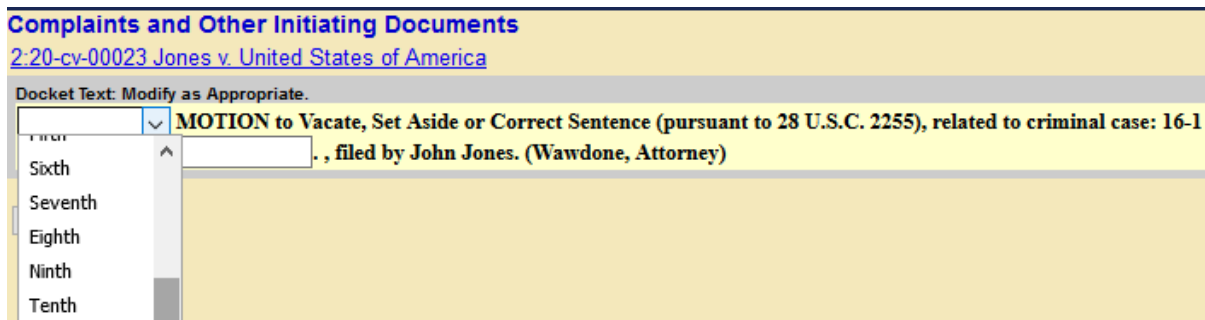
24. Review the warning regarding not filing documents in the original criminal case, then select **Next**.



**Complaints and Other Initiating Documents**  
[2:20-cv-00023 Jones v. United States of America](#)  
**Please do not file any documents in the criminal case. The Court staff will do this.**

Next Clear

25. You have the option to modify the docket text by selecting from a dropdown or typing in a field.



**Complaints and Other Initiating Documents**  
[2:20-cv-00023 Jones v. United States of America](#)

Docket Text: Modify as Appropriate.

, filed by John Jones. (Wawdone, Attorney)

First  
Sixth  
Seventh  
Eighth  
Ninth  
Tenth

## Filing a Motion to Vacate/Correct Illegal Sentence (2255)

26. Select **Next** to review the final text that will appear on the docket.

**Complaints and Other Initiating Documents**  
[2:20-cv-00023 Jones v. United States of America](#)

Docket Text: Final Text  
MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255), related to criminal case: 16-1 ., filed by John Jones.(Wawdone, Attorney)

**Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.**  
**Have you redacted?**

Source Document Path (for confirmation only):  
C:\fakepath\Motion.pdf pages: 1

27. Select **Next** to file your motion.

28. The **Notice of Electronic Filing** screen displays once you finish opening your case. This confirms you are now done filing.

**Complaints and Other Initiating Documents**  
[2:20-cv-00023 Jones v. United States of America](#)

U.S. District Court  
[Test Application] Western District of Washington

**Notice of Electronic Filing**

The following transaction was entered by Wawdone, Attorney on 8/20/2020 at 9:46 AM PDT and filed on 8/20/2020

Case Name: Jones v. United States of America  
Case Number: [2:20-cv-00023](#)  
Filer: John Jones  
Document Number: [1](#)

Docket Text:  
MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255), related to criminal case: 16-1 ., filed by John Jones.(Wawdone, Attorney)

2:20-cv-00023 Notice has been electronically mailed to:  
Attorney Wawdone dcwawdsea+atty01@gmail.com

2:20-cv-00023 Notice will not be electronically mailed to:  
Joel E. Smith  
10900 NE 8TH ST  
STE 830  
BELLEVUE, WA 98004

The following document(s) are associated with this transaction:

Document description:Main Document  
Original filename:n/a  
Electronic document Stamp:  
[STAMP dcecfStamp\_ID=1035929271 [Date=8/20/2020] [FileNumber=4264216-0  
] [a6463e9faa5aee8f964a85b41db74f5dbb0e26bffa09c2f25aca37192ad2cd6d9c3  
9385f44ec608e83da7ce0c9c3da8089a5a3e0459cab7029f827d75790cd94]]

29. The Court will then add attorneys to the respondents and docket a notice in the original criminal case.