

FILING A MOTION TO VACATE/CORRECT ILLEGAL SENTENCE (2255)

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. You must docket the motion 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)

Next

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
1 Jurisdiction	Select 2 (U.S. Government Defendant) .
2 Cause of action	Select 28:2255 (28:2255 Motion to Vacate / Correct Illegal Sentence) .

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TABLE A

Field	Description
3	Nature of suit Select 510 (Prisoner: Vacate Sentence) .
4	Origin Select 1 (Original Proceeding) .
5	County Select the petitioner's current county of residence. If the petitioner is incarcerated outside of this district, select XX US, Outside District .
6	Fee Status Select none (no fee required) .

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.

Open a Civil Case

Will your initial filing include a Temporary Restraining Order, or a Motion for Vessel Arrest, or any other emergency motion requiring immediate action by the court?

YES

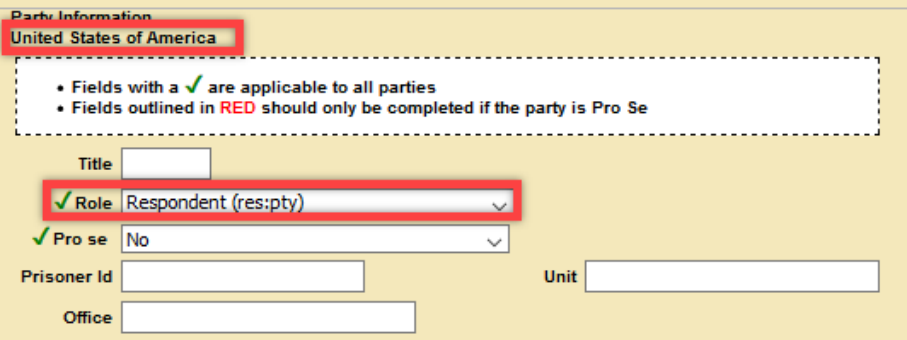
NO

Next Clear

- 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**.

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9. 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.
 - a. In 2255 cases, parties should be entered as outlined below.

Order of Parties:	Parties must be entered in the order they are listed on the Motion caption.
Party Roles:	Use Petitioner and Respondent .
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 .
Respondent Name:	<p>Add United States of America and change the Role to Respondent.</p> 
Attorneys:	<p>Add co-counsel (if any) for the petitioner.</p> <p>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.</p>
Party Text:	No party text should be entered for these cases.

10. Once all parties are added, select **Create Case**.
11. CM/ECF asks you to confirm if the system should create a new case.
 - a. If you need to add additional parties, select **No**.

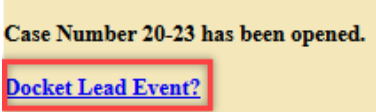
Note: You are only able to add new parties. You are unable to edit any parties already added at this time. If you need to edit a party that you previously added, contact [ECF Support](#).

- b. If you entered all parties, select **Yes**.

12. Write down the case number before proceeding.



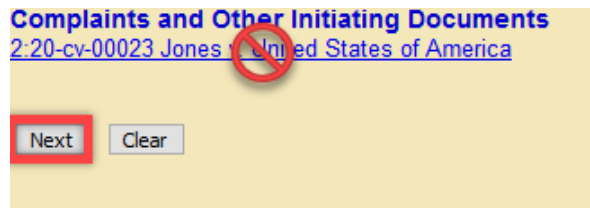
13. You must now file the motion. Select **Docket Lead Event** to start.



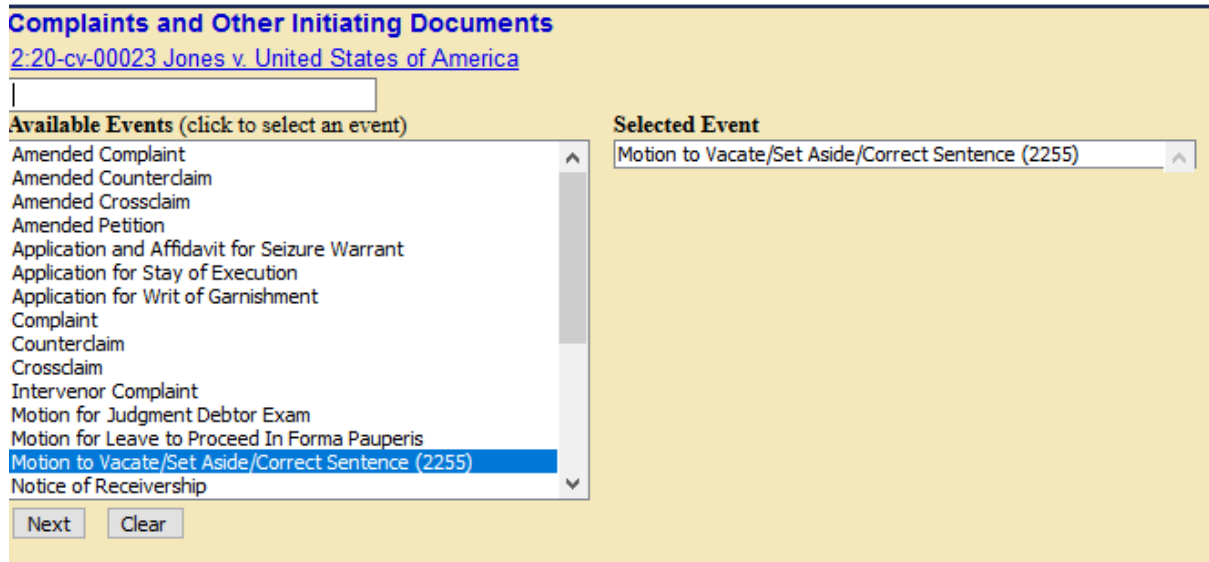
FILING A MOTION TO VACATE/CORRECT ILLEGAL SENTENCE (2255)

14. The system automatically populates your case number. Select **Next**.

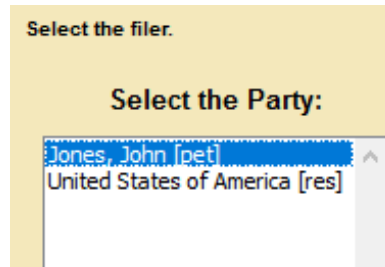
15. On the next screen, the system shows the case number and case short title. Do not select the case number, instead select **Next**.



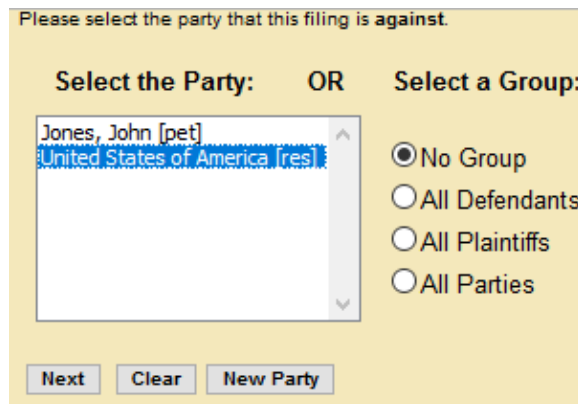
16. Select **Motion to Vacate/Set Aside/Correct Sentence (2255)**, then select **Next**.



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

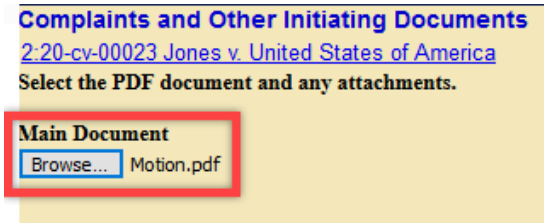


18. Select the **United States of America** as the party that the filing is against, then select **Next**.

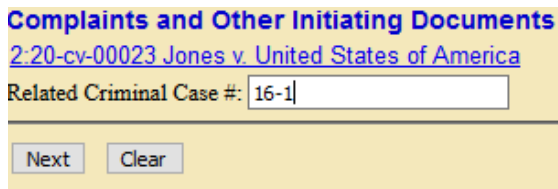


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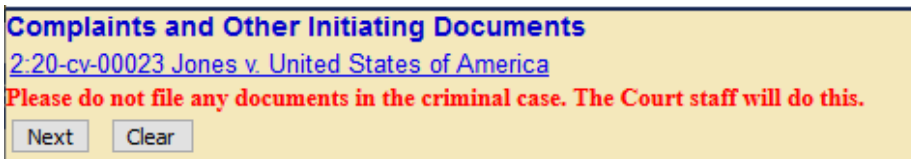
19. Select **Browse** next to **Main Document**.
20. Select the PDF version of the Petition on your computer.
21. The title of the Motion file appears in the **Main Document** field.



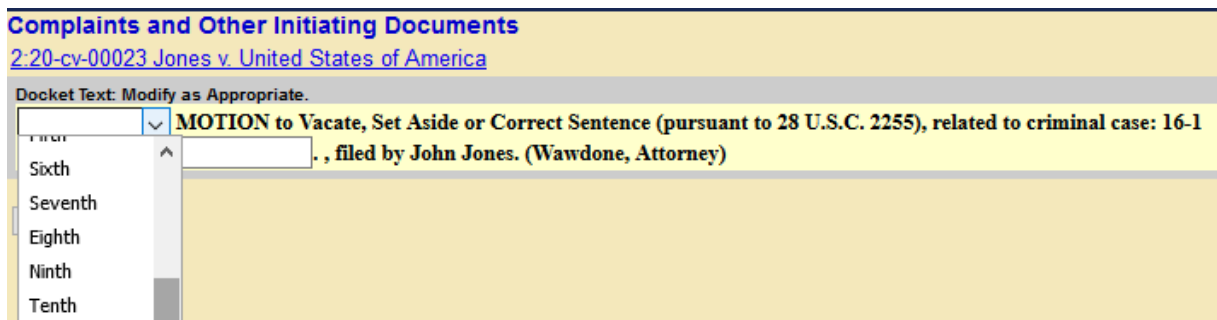
22. Select **Next** to continue.
23. Enter the related criminal case number, then select **Next**.



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



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



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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 N E 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] [a6463e9faa5aee8f964a85b41db74f5dbb0e26bffa09c2f25aca37192ad2cd6d9c39385f44ec608e83da7ce0c9c3da8089a5a3e0459cab7029f827d75790cd94]]

29. The Court adds attorneys to the respondents and docketed a notice in the original criminal case.