

## **Procedures Regarding Petitions for a Writ of Habeas Corpus – 28 U.S.C. § 2254**

**Filing Instructions and Forms** Section 2254 forms are available from the Clerk's office or on the court's web site.

**IFP requests** To file a complaint you must pay the \$5.00 filing fee or obtain the Court's permission to proceed *in forma pauperis* (IFP). The IFP application is available at the above site.

**Discovery** Under Rule 6 of the Rules Governing § 2254 cases, discovery is not permitted without prior court order.

**The State Court Record** If the Court orders an Answer, respondent must indicate what transcripts are available, when they can be furnished and what proceedings have been recorded but not transcribed. Respondent must file with the Court all relevant portions of the state court record. The Court may order the respondent to file additional parts of the record.

**Evidentiary Hearing** If the Court determines an evidentiary hearing is warranted, the Court will appoint counsel to represent petitioner under 18 U.S.C. § 3006A. If the case has been referred to Magistrate Judge Tsuchida, Judge Tsuchida's Deputy Clerk will contact counsel to schedule the evidentiary hearing. Judge Tsuchida will also enter an order directing the parties to submit a hearing brief setting forth the issues presented, and the parties' witnesses and exhibits.