

## **Procedures Regarding Motions to Vacate or Correct Under 28 U.S.C. § 2255**

**Filing Instructions and Forms** Section 2255 forms are available from the Clerk's office or on the court's website.

**Answer** If the Court orders an Answer, the United States must address the allegations in the motion and state whether the petitioner has utilized any other federal remedy.

**Records of Prior Proceedings** If the Answer refers to records not available in the court's records, the United States must furnish them.

**Discovery** Under Rule 6 of the Rules Governing § 2255 cases, discovery is not permitted without prior court order.

**Evidentiary Hearing** If the Court determines an evidentiary hearing is warranted, the Court will appoint counsel to represent the 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.