

(Form to be used by federal prisoners in filing a petition for a writ of habeas corpus under 28 U.S.C. § 2241)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

_____)	
Petitioner)	
)	Civil Action No. _____
)	
)	
(Full name under which you were convicted;)	
prison number; and full mailing address))	
)	
vs.)	Petition
)	
_____)	
Respondent(s))	
)	
)	
(Name of Warden or other authorized)	
person having custody of petitioner))	

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR CLAIM(S).

1. This petition concerns: (Check appropriate blank.)

_____ a conviction(s)

_____ a sentence (**CAUTION: If you are attacking a sentence under a federal judgment, you must first file a direct motion under 28 U.S.C. § 2255 in the federal court which entered the judgment.**)

_____ jail or prison conditions

_____ prison disciplinary proceedings

_____ a parole problem

_____ other. State briefly

2. Your Place of Detention:

3. Have you filed previous petitions for habeas corpus, motions under 28 U.S.C. § 2255, or any other applications, petitions or motions with respect to this conviction(s)?

_____ YES _____ NO

If your answer above is "Yes," give the following information:

a. Name of Court: _____

b. Nature of proceeding: _____

c. Grounds raised:

d. Result: _____

e. Date of Result: _____

f. Citation or case number of any written opinion or order entered pursuant to each such disposition

4. If you did not file a motion under 28 U.S.C. § 2255, or if you filed such motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention?

5. Are you presently represented by counsel? _____YES _____NO

If so, list name, address, and phone number of counsel:

6. Name and location of court which imposed sentence:

7. Indictment or case number, if known:

8. Offense or offense for which sentence was imposed:

9. Date upon which sentence was imposed and the terms of the sentence:

10. When was a finding of guilty made (Check one).

_____ After a plea of guilty

_____ After a plea of not guilty

_____ After a plea of *nolo contendere*

11. If you were found guilty after a plea of not guilty, was that finding made by:

_____ A jury

_____ A United States District Judge without a jury

_____ A United States Magistrate Judge without a jury

12. Did you appeal from the judgment of conviction or imposition of sentence?

_____ Yes

_____ No

13. If you did appeal, give the following information for each appeal:

a. Name of Court: _____

b. Result: _____

c. Date of Result: _____

d. Citation or number of opinion: _____

e. Grounds raised (List each one):

Note: If you appealed more than once, attach an additional sheet of the same size and give all the information requested in Question 13, a through e.

14. State **CONCISELY** every ground on which you claim that you are being held unlawfully. Summarize **briefly** the **facts** supporting **each** ground. If necessary, attach an additional page or pages behind this page.

CAUTION: If you fail to set forth all grounds, **you may be barred from presenting additional grounds at a later date.**

a. Ground one:

Supporting **FACTS:** (Tell your story **BRIEFLY** without citing cases or law. You are **CAUTIONED** that you must state **facts, not conclusions**, in support of your grounds. A rule of thumb to follow is – who did exactly what to violate your rights at what time or place.)

b. Ground Two:

Supporting FACTS:

c. Ground Three:

Supporting FACTS:

d. Ground Four:

Supporting FACTS:

15. If this petition concerns jail or prison conditions, prison disciplinary proceedings, a parole problem, or other case under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present petition in the prison's internal grievance procedure?

_____YES _____NO

(1) If your answer to "a: above is "Yes," what was the result:

(2) If your answer to "a" above is "No," explain:

(b) Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

_____YES _____NO

(1) If your answer to "a" above is "Yes," what was the result:

(2) If your answer to "a" above is "No," explain:

(c) **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. Do not give legal arguments of cite any cases or statutes. Attached extra pages of the same size as necessary.

16. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I declare (or certify, verify or state) **under penalty of perjury** that the foregoing is true and correct.

Signed this _____ day of _____, 20_____.
(date) (month) (year)

(Signature of petitioner)