

**INFORMATION AND INSTRUCTIONS FOR FILING
A PETITION FOR A WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2254 (PERSONS IN STATE CUSTODY)**

Attached are the forms you will need to file a petition for a writ of habeas corpus. You must pay the full filing fee or complete the attached motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Further instructions for completing these forms are provided below.

The Filing Fee and 28 U.S.C. § 1915

Prisoners seeking leave to proceed in forma pauperis under 28 U.S.C. § 1915 must comply with the following procedures. A prisoner is any person incarcerated or detained in any facility.

1. The application for a writ of habeas corpus must be accompanied by the full \$5.00 filing fee. If you want to commence an action without prepayment of fees or security therefor, you must file a motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. In addition to having an official at the institution at which you are currently confined complete the section of the motion form certifying the current balance in your institutional account, you also must submit a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the habeas corpus petition and motion to proceed in forma pauperis. The certified copy of the trust fund account statement (or institutional equivalent) must be obtained from the appropriate official of each penal institution at which you are or were confined during the six-month period. The court cannot consider the merits of the claims asserted in any habeas corpus petition filed without either the \$5.00 filing fee or a properly completed motion and certified copy of your trust fund account statement (or institutional equivalent) as required by § 1915.

2. The motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. You must sign the motion. You should exercise care to assure that all answers are true, correct and complete.

3. If the Court denies your motion to proceed in forma pauperis, you will be notified of this decision and given thirty days to submit the \$5.00 filing fee. If you do not pay the filing after you have been ordered to do so, your habeas corpus petition will be dismissed without prejudice.

The Habeas Corpus Petition

1. To use this form, you must be a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief.

2. You also may use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a **federal** judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered judgment.

3. The habeas corpus petition must be typewritten or legibly handwritten. All questions must be answered clearly and concisely **in the appropriate space on the form**. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, the petition be returned to you with a notation as to the deficiency. If you want to submit a brief or arguments, you must submit them in a separate memorandum.

4. You must sign the petition and the declaration under penalty of perjury. You are cautioned that any deliberately false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You should exercise care to assure that all answers are true, correct and complete.

5. If you are filing the form pro se, you should complete the declaration at the end of the form. An attorney representing the petitioner need not complete the declaration.

6. You must provide the court with an original and one copy of the habeas corpus petition. You should keep an additional copy of the petition for your own records. All copies of the petition must be identical to the original.

7. The law governing petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 has changed dramatically. You should consult these statutory changes in 28 U.S.C. §§ 2244, 2253, and 2254, as amended by, Title I of the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, §§ 101-106, 110 Stat. 1214 (Apr. 24, 1996).

8. The following list of the most frequently raised grounds for relief in post-conviction proceedings is furnished for your information only. This list includes:

- (a) conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with the understanding of the nature of the charge or the consequences of the plea;
- (b) conviction obtained by use of coerced confession;
- (c) conviction obtained by use of evidence gained pursuant to an unconstitutional

search and seizure;

(d) conviction obtained by use of evidence obtained pursuant to an unlawful arrest;

(e) conviction obtained by a violation of the privilege against self-incrimination;

(f) conviction obtained by the unconstitutional failure of the prosecution to disclose evidence favorable to the defendant;

(g) conviction obtained by a violation of the protection against double jeopardy;

(h) conviction obtained by the action of a grand or petit jury which was unconstitutionally selected and impaneled;

(i) denial of effective assistance of counsel (except during federal or state collateral post-conviction proceedings); and

(j) denial of right of appeal.

This is not a complete list, and you may raise any other claims for relief you may have.

9. On a single habeas corpus petition, you may challenge the judgment of only one court. If you seek to challenge several judgments entered by different courts in different cases, you must file separate petitions as to each judgment.

10. When your habeas corpus petition is completed, the petition and copy should be mailed with the filing fee or motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 to the Clerk's Office of the United States District Court at one of the following addresses:

Office of the Clerk
United States District Court
915 Lafayette Boulevard
Bridgeport CT 06604

Office of the Clerk
United States District Court
450 Main Street
Hartford, CT 06103

Office of the Clerk
United States District Court
141 Church Street
New Haven, CT 06510

11. You must furnish an original of all motions, pleadings, correspondence or other documentation submitted to the court for filing and consideration. In addition, you must furnish the respondent(s) or his or her attorney with a copy of all such documents submitted to the court. Each original document (except the original habeas corpus petition) must include a certificate of service stating the date a copy of the document was mailed to the respondent(s) or his or her attorney and the address to which it was mailed. Any document received which fails to include a certificate of service may be disregarded by the court or returned. An example of a certificate of service is:

I hereby certify that a copy of the foregoing pleading/document was mailed to _____ (respondent(s) or counsel for respondent(s)) at _____ (address) on _____, 20__.

Original Signature of Petitioner

12. The United States District Judges, the United States Magistrate Judges, the clerk of the court, deputy clerks and staff attorneys are officers of the court and are prohibited from giving legal advice. Legal questions should be directed to an attorney, the Office of the Public Defender, or the Inmates' Legal Assistance Program.

13. **CAUTION:** You must include in this petition all the grounds for relief from the conviction or sentence that you challenge and you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.