

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

Included 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 petition 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.
 - a) 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.
 - b) 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.
 - c) 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

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.

- a) 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.
- b) 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 may 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.
- c) 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.
- d) 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.
- e) 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).
- f) 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.

- g) 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.
- h) The United States District Court for the District of Connecticut (the Court) and the Connecticut Department of Corrections (DOC) participate in a Prisoner Electronic Filing Program that is available for all inmates currently incarcerated at a Connecticut DOC facility. Prisoners are to bring all documents to the designated counselor at the facility to scan to the Court for filing. All original documents presented for scanning should be stamped with the designated file stamp and returned to the inmate after scanning, as proof of receipt. Originals and/or copies should not be mailed to the Court after they have been submitted for scanning.

Inmates who are incarcerated at a facility outside of the State of Connecticut or at Danbury FCI, should mail their filings to one of the offices below:

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

If you mail your filings to the Court and you would like a file-stamped copy to be returned to you, you must provide one copy of your filing(s) and a self-addressed stamped envelope.

- i) You must furnish an original of all other motions as well as pleadings, correspondence or other documentation submitted to the court for filing and consideration. In addition, you must furnish the opposing party or its attorney with a copy of all such documents submitted to the court. If counsel receives electronic notices from the Court, they will obtain a copy of the filing when it is filed on the docket. If not, you will need to mail a copy (except the original petition) to the

attorney(s). In both instances all future filings shall include the following language at the end.

CERTIFICATE OF SERVICE

I hereby certify that on _____ a copy of foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to ***[Below list the names and addresses of anyone unable to accept electronic filing]*** as indicate on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

List here:

Original Signature of Petitioner

- j) 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.

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.