
Name

Prison Identification/Booking No.

ADDRESS or PLACE OF CONFINEMENT

Note: If represented by an attorney; his name, address & telephone number.

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

FULL NAME (Include name under which you were convicted)

Petitioner,

v.

NAME OF WARDEN, (or other authorized person having custody of petitioner)

Respondent.

CASE No. _____
To be supplied by the Clerk of the United States District Court

CASE No. _____
Criminal case under which sentence was imposed.

PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN FEDERAL CUSTODY
(28 U.S.C § 2241)

INSTRUCTIONS -READ CAREFULLY

This petition shall be legibly handwritten or typewritten, signed by *the petitioner, under penalty of perjury*. You must set forth **CONCISELY** the answer to each question in the proper space on the form. Any false statement of a *material* fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this petition except that **ONE** separate additional page is permitted in answering Question No.9.

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order.

If you are seeking leave to proceed *in forma pauperis* (without paying the \$5.00 filing fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and costs of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the original and 3 copies, must be mailed to the Clerk of the United States District Court for the Western District of Missouri, Charles Evans Whittaker United States Courthouse, 400 E. 9th Street, Kansas City, Missouri 64106, ATTENTION: Prisoner Pro Se Office.

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PLEASE COMPLETE THE FOLLOWING: (check appropriate number)

This petition concerns:

1. _____ a conviction.
2. _____ a sentence.
3. _____ jail or prison conditions.
4. _____ prison discipline.
5. _____ a parole problem.
6. _____ other.

PETITION

1. Place of detention _____

2. Name and location of court which imposed sentence _____

3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:

(a) _____

(b) _____

(c) _____

4. The date upon which sentence was imposed and the terms of the sentence:

(a) _____

(b) _____

(c) _____

5. Check whether a finding of guilty was made:

(a) After a plea of guilty _____

(b) After a plea of not guilty _____

(c) After a plea of nolo contendere _____

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

(a) a jury _____

(b) a judge without a jury _____

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

() YES () NO

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

a. (1) Name of court _____

(2) Result _____

(3) Date of result _____

(4) Citation or number of opinion _____

(5) Grounds raised (list each)

(a) _____

(b) _____

(c) _____

(d) _____

b. (1) Name of court _____

(2) Result _____

(3) Date of result _____

(4) Citation or number of opinion _____

(5) Grounds raised (list each)

(a) _____

(b) _____

(c) _____

(d) _____

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

9. State CONCISELY every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a SINGLE page only behind this page.

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

a. Ground one _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law).

CAUTION: 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 and place.

b. Ground Two _____

Supporting FACTS (Tell your story BRIEFLY without citing cases or law).

c. Ground Three

Supporting FACTS (Tell your story BRIEFLY without citing cases or law).

d. Ground Four

Supporting FACTS (Tell you story BRIEFLY without citing cases or law).

10. Have you filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction?

() Yes () No

11. If your answer to Question No. 10 was yes, give the following information:

a. (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Result _____

(5) Date of result _____

(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

b. (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Result _____

(5) Date of result _____

(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

12. If you did not file a motion under Section 2255 of Title 27\8, United States Code, or if you filed such a 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:

13. Are you presently represented by counsel? () Yes () No

If so, name, address and telephone number _____

Case name and court _____

14. If you are seeking leave to proceed in forma pauperis, have you completed the declaration setting forth the required information?

() Yes () No

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding,

Signature of Attorney (if any)

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

Executed on _____
(Date)

Signature of Petitioner

**DECLARATION IN SUPPORT
OF REQUEST
TO PROCEED
IN FORMA PAUPERIS**

(Petitioner)

(Respondent[s])

I, _____, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes _____ No _____

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received, within the past twelve months, any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes____ No____
- b. Rent payments, interest or dividends? Yes____ No____
- c. Pensions, annuities or life insurance payments? Yes____ No____
- d. Gifts or inheritances? Yes____ No____
- e. Any other sources? Yes____ No____

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account? Yes____ No____
(Include any funds in prison accounts)

If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes _____ No _____

If the answer is yes, describe the property and state its approximate value. _____

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. _____

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

Executed on _____
(Date)

Signature of Petitioner

CERTIFICATE

I hereby certify that the Petitioner herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said _____

-
institution: _____

DATED _____

Authorized Officer of Institution

Title of Officer