

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY**

**Directions for Completing the
FORM PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241**

This §2241 form may be used by prisoners challenging a decision or action which impacts the length of time he or she must stay in prison to satisfy the sentence imposed, such as a parole matter, eligibility for certain programs, or the calculation of credits toward his/her sentence.

A state prisoner may **NOT** use this form to challenge his conviction or sentence. A state prisoner may attack his conviction or the sentence imposed only by filing a Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. §2254, after exhaustion of state court remedies.

A federal prisoner may use this form to challenge a conviction or sentence, **ONLY** if he or she claims that a Motion to Vacate Sentence, under 28 U.S.C. §2255, is inadequate or ineffective to test the legality of his detention.

Complete the entire form. Answer the questions on this form concisely in the proper place.

You must set forth your answers in legible handwriting or a typed format.

You should know that any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. Therefore, the petitioner completing this form should exercise care to assure that all answers are true and correct.

You may attach additional sheets to this form if you need more space to answer a question.

You must keep the Clerk of the Court advised of any change of address. Failure to do so may result in dismissal of your case.

You must submit your completed petition to the Clerk of this Court, and either pay the \$5.00 habeas filing fee or submit documents to apply for permission to proceed *in forma pauperis* (without paying the \$5.00 filing fee and other court costs).

If you seek leave to proceed *in forma pauperis*, then you must also fully complete, sign, and submit two financial forms which you may obtain from the Clerk of the Court, upon request, at no charge to you:

(1) an AFFIDAVIT OF ASSETS FOR APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES (AO Form 240)

and

(2) a CERTIFICATE OF INMATE ACCOUNT (EDKY Form 523), according to the instructions accompanying them. The Clerk of the Court can supply you with these forms upon request at no charge.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

_____ DIVISION at _____

Petitioner/Prisoner's Full Name

Inmate Number

Place of Confinement

Address

VS:

CASE NO. _____
(To be completed by Court)

Respondent (Person having custody of prisoner)

Address

I. THIS PETITION CONCERNS: (check one)

_____ computation of sentence

_____ inadequacy of a §2255 motion

_____ prison discipline decision

_____ jail/prison conditions

_____ a parole problem

_____ immigration/removal from U.S.

_____ other: _____

II. GENERAL INFORMATION

A. Nature of offense(s): _____

Name and location of Court of conviction: _____

Case/Docket No. _____ Conviction Date _____

Convicted by (choose one): _____ a jury; _____ a judge without a jury; or _____ guilty plea.

Length of sentence imposed: _____

Any other terms of sentence: _____

B. Did you appeal the conviction or sentence? YES () NO ()

If yes, court and address: _____

Grounds: _____

Result: _____

_____ Date: _____

C. Have you challenged the conviction or sentence in any other proceeding? YES () NO ()

If "yes," court and address: _____

Nature of the challenge (motion, habeas, other) _____

Grounds: _____

Result: _____

_____ Date: _____

D. Have you challenged the sentence in any additional proceeding? YES () NO ()

If "yes," court and address: _____

Nature of the challenge (motion, habeas, other) _____

Grounds: _____

Result: _____

_____ Date: _____

III. INFORMATION ON CURRENT CLAIM(S) (Choose only one: Answer questions in either A *or* B below)

A. If you are a federal prisoner challenging your conviction or sentence and claim that your remedy by a §2255 motion is inadequate or ineffective for such a challenge, answer the following:

1. Have you filed a motion under 28 U.S.C. §2255? Yes () No ()

2. If you answered, "Yes," please provide the case number, where the motion was filed, and the result: _____

3. Explain why the remedy under §2255 is inadequate or ineffective:

B. If you are NOT claiming that your remedy by §2255 motion is inadequate or ineffective, then you must answer the following:

1. Briefly describe the decision or action which you are challenging herein:

2. Who made the decision? _____ Date: _____

3. Was there a hearing of any kind? YES () NO ()

If your answer is "Yes," then describe each hearing as follows:

First hearing conducted by: _____

Location: _____ Date: _____

Result: _____

If there was another hearing, it was conducted by: _____

Location: _____ Date: _____

Result: _____

IV. CURRENT GROUNDS FOR RELIEF

State concisely every ground on which you claim that you are being held in violation of the Constitution, laws or treaties of the United States. Then summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same. It is not necessary to cite cases or law in this petition. If you wish to cite cases or law you should do so in a separate memorandum or brief.

Caution: If you fail to set forth all the grounds in this application, you may be barred from presenting additional grounds at a later date.

A. Ground one:

1. State the basis of your claim: _____

2. Supporting FACTS (tell your story briefly without citing cases or law):

B. Ground two:

1. State the basis of your claim: _____

2. Supporting FACTS (tell your story briefly without citing cases or law):

If you have more than 2 grounds for relief, you may attach extra sheets. For each ground which you claim, be sure to provide the same information as in the questions 1 and 2 above.

V. ADMINISTRATIVE REMEDY PROCEDURES.

If you are a federal prisoner challenging your conviction or sentence, you do not need to exhaust administrative remedies and you may skip to Section VI. For all other petitioners, in order to proceed in federal court, you must first exhaust your administrative remedies on each ground or claim you are bringing in this case. **To show if you exhausted, circle A, B, or C, and if you circle B or C, also answer the questions below B or C.**

A. Attach copies of the administrative grievances or appeals which you filed and the decision(s) received about each of the claims you are bringing in this case.

OR

B. If you do not have copies, but did exhaust the administrative procedures, then answer No. 1 or No. 2 below:

1. If your claim concerns a PAROLE matter, did you appeal the decision?
YES () NO ()

If your answer is "Yes," answer the following:

Grounds raised: _____

Results: _____

_____ Date: _____

2. If your claim concerns something OTHER than parole and you exhausted the administrative remedy process, answer either (a) or (b) below.

_____(a) If you are a federal prisoner and you exhausted the BOP's administrative remedies, check which steps in the administrative remedy procedures which you completed:
____ an informal request;
____ appeal to the warden;
____ appeal to the appropriate Regional Director;
____ appeal to the BOP's Office of General Counsel.

_____(b) If you are a prisoner in the custody of the state or local authorities and you exhausted your administrative remedies, answer the following:

** Describe the grievance or appeal process:

and ** Explain in detail what you did to complete that process (include dates on which each step was taken; the name and job title for each person who responded; and the response you received at each step):

OR

C. If you did not exhaust the available administrative remedy process, explain why:

VI. PREVIOUS LITIGATION

Have you filed any previous lawsuits related to your present claim(s)? YES () NO ()

If your answer is Yes," then answer the following:

Name and location of Court:_____

Case Number:_____ Filing Date:_____

Nature of suit:_____

Grounds for Relief:_____

Result:_____

_____ Date:_____

VII. REQUEST FOR RELIEF AND VERIFICATION

Wherefore, Petitioner prays that the Court grant him the following relief:

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Petitioner

Date Signed