

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____
(To be supplied by the court)

_____, Applicant,

v.

_____, Respondent,
(Name of warden, superintendent, jailer, or other custodian)

and

The Attorney General of the State of: _____, Additional Respondent.

(Note: If you are attacking a judgment that imposed a sentence to be served in the future, you must fill in the name of the state where the judgment was entered. If you are attacking the execution of your sentence and not the validity of a state conviction or sentence, you must file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. If you are attacking the validity of a judgment entered in a federal court, you must file a motion pursuant to 28 U.S.C. § 2255 in the federal court that entered the judgment.)

**APPLICATION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2254**

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. APPLICANT INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

(Applicant’s name, prisoner identification number, and complete mailing address)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other: *(Please explain)* _____

B. RESPONDENT(S) INFORMATION

(Respondent’s name and complete mailing address)

C. CONVICTION UNDER ATTACK

Name of the court that entered the judgment of conviction: _____

Date the conviction was entered: _____

Case number: _____

Length and type of sentence: _____

Are you serving any other sentence? Yes No *(check one)*

Offense(s) you were convicted of committing:

What was your plea?

Kind of trial:

Jury Judge only (*check one*)

D. DIRECT APPEAL

Did you file a direct appeal?

Yes No (*check one*)

Name of the court in which the direct appeal was filed:

Date and result of direct appeal:

Did you seek review in the state's highest court on direct appeal?

Yes No (*check one*)

Date and result of review in the state's highest court:

If you did not file a direct appeal, explain why:

E. POSTCONVICTION PROCEEDINGS

Have you initiated any other postconviction proceedings in any state court with respect to the judgment under attack? Yes No (*check one*).

If your answer is "Yes," complete this section of the form. If you have initiated more than one postconviction proceeding, use additional paper to provide the requested information for each prior proceeding. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. POSTCONVICTION PROCEEDINGS."

Name and location of court:

Type of proceeding:

Date filed: _____

Date and result: _____

Did you appeal? Yes No (*check one*)

Date and result on appeal: _____

Did you seek review in the state's highest court? Yes No (*check one*)

Date and result: _____

F. STATEMENT OF CLAIMS

State clearly and concisely every claim you are asserting in this action. For each claim, specify the right that allegedly has been violated and all facts that support your claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "F. STATEMENT OF CLAIMS."

WARNING: If you fail to assert all of your claims in this application, you may be barred from presenting additional claims at a later date.

CLAIM ONE: _____

Supporting facts:

G. EXHAUSTION OF STATE REMEDIES

WARNING: You must exhaust available state remedies before filing a habeas corpus action in federal court pursuant to 28 U.S.C. § 2254. Your case may be dismissed if you have not exhausted available state remedies.

Did you fairly present each claim asserted in this action to the state’s highest court? Yes No (*check one*)

If you answered “No,” please identify which claim(s) have not been fairly presented to the state’s highest court and explain why:

H. PRIOR FEDERAL ACTIONS

Have you filed any prior actions in any federal court challenging the same conviction or sentence under attack in this action? Yes No (*check one*).

If the instant action is a second or successive application, have you obtained authorization from the United States Court of Appeals for the Tenth Circuit for this court to consider the application? Yes No (*check one*).

Complete this section of the form if you have filed a prior federal action challenging the same conviction or sentence under attack in this action. If you have initiated more than one prior action, use additional paper to provide the requested information for each prior action. Please indicate that additional paper is attached and label the additional pages regarding prior actions as “H. PRIOR FEDERAL ACTIONS.”

Name and location of court: _____

Case number: _____

Type of proceeding: _____

Claim(s) raised: _____

Date and result: (attach a copy if available) _____

Result on appeal, if appealed: _____

I. TIMELINESS OF APPLICATION

If the judgment of conviction or the sentence under attack became final more than one year prior to the commencement of this action, explain why the application is not barred by the one-year limitation period in 28 U.S.C. § 2244(d). If additional space is needed, use extra paper to explain your answer. Please indicate that additional paper is attached and label the additional pages regarding timeliness as “I. TIMELINESS OF APPLICATION.”

J. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as “J. REQUEST FOR RELIEF.”

K. APPLICANT’S SIGNATURE

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this application: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the application otherwise complies with the requirements of Rule 11.

(Applicant’s signature)

(Date)

(Form Revised December 2017)