

**INFORMATION AND INSTRUCTIONS FOR FILING
AN APPLICATION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2254**

Attached are the forms you will need to file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. All questions must be answered clearly and concisely in the appropriate spaces on the forms. Attach an additional page if you need extra space to answer a question, clearly identifying the question to which the additional page pertains. Absent prior order of the court, the total length of the application, including the form and all additional pages, may not exceed thirty pages. Pursuant to the Court's local rules, the application and all other papers must be typewritten or legibly handwritten, text shall be printed on only one side of each page, all documents must be filed on paper that measures 8.5 inches by 11 inches, and all papers shall include margins of 1.5 inches at the top and 1 inch at the left, right, and bottom.

You should exercise care to assure that all answers are true, correct, and complete. You are cautioned that any deliberately false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You must sign each form. Further instructions for completing these forms are provided below.

The Filing Fee and 28 U.S.C. § 1915

1. Prisoners seeking leave to proceed under 28 U.S.C. § 1915 must comply with the following procedures. Section 1915(h) defines a "prisoner" as "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program."

2. 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 and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915. Pursuant to Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts, you also must submit a certificate of the warden or other appropriate officer of the institution in which you are confined as to the amount of money or securities currently on deposit in your inmate trust fund account (or institutional equivalent). 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, affidavit, and certificate as to the amount currently on deposit in your trust fund account (or institutional equivalent).

The Habeas Corpus Application

1. You must provide an original habeas corpus application. You should keep a copy of the application for your own records. The Court will not provide a copy for you.

2. The following list of the most frequently raised grounds for relief in postconviction 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 postconviction 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.

3. On a single habeas corpus application, you may challenge only one judgment of conviction. If you seek to challenge several judgments entered by different courts in different cases, you must file a separate application as to each judgment.

4. When your habeas corpus application is completed, it should be mailed with the filing fee or motion for leave to proceed pursuant to 28 U.S.C. § 1915 to the Clerk of the United States District Court at the following address:

Clerk of the Court
Alfred A. Arraj United States Courthouse
901 19th Street, Room A105
Denver, CO 80294-3589

5. Each original document (except the original habeas corpus application) must include a certificate 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 that 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____.

Applicant's Original Signature

6. The United States district judges, the United States magistrate judges, the Clerk of the Court, and deputy clerks are officers of the Court and are prohibited from giving legal advice. Legal questions should be directed to an attorney.