

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

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

UNITED STATES OF AMERICA,

v.

_____, Movant/Defendant.

**MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE
PURSUANT TO 28 U.S.C. § 2255**

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. MOVANT/DEFENDANT 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.

(Movant/Defendant's name, prisoner identification number, and complete mailing address)

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

Convicted and sentenced federal prisoner

Other: *(Please explain)* _____

B. 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*)

C. DIRECT APPEAL

Did you file a direct appeal? Yes No (*check one*)

Date and result of direct appeal: _____

Did you seek review in the United States Supreme Court? Yes No (*check one*)

Date and result of review in the United States Supreme Court: _____

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

List the claims raised: _____

D. POSTCONVICTION PROCEEDINGS

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

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

Complete this section of the form if you have filed prior postconviction proceedings with respect to the judgment under attack in this motion. If you have initiated more than one prior 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 prior proceedings as "D. 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: _____

E. 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 claims. Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "E. STATEMENT OF CLAIMS."

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

CLAIM ONE: _____

Supporting facts:

F. PROCEDURAL DEFAULT

Did you raise on direct appeal any of the claims you are asserting in this motion? Yes No (*check one*)

If you answered “Yes,” state which claims were raised on direct appeal and explain why those claims are being raised again:

If you answered “No,” explain why you did not raise your claims on direct appeal:

G. TIMELINESS OF MOTION

If the judgment of conviction or the sentence under attack became final more than one year prior to the filing of this motion, explain why the motion is not barred by the one-year limitation period in 28 U.S.C. § 2255(f). 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 “G. TIMELINESS OF MOTION.”

H. 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 “H. REQUEST FOR RELIEF.”

I. MOVANT/DEFENDANT’S SIGNATURE

I declare under penalty of perjury that I am the movant/defendant in this action, that I have read this motion, and that the information in this motion 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 motion: (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.

(Movant/Defendant’s signature)

(Date)