

**INFORMATION AND INSTRUCTIONS FOR FILING  
A MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE  
PURSUANT TO 28 U.S.C. § 2255**

Attached are the forms you will need to file a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct a federal sentence (motion to vacate). 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 motion to vacate, including the form and all additional pages, may not exceed thirty pages. Pursuant to the Court's local rules, the motion to vacate 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.

**Payment of Expenses Under 28 U.S.C. § 1915**

1. A filing fee is not required for a motion to vacate. If you do not have the necessary funds for transcripts, counsel, appeal, or other fees associated with a motion to vacate, you may request that the court direct payment by the United States of these expenses by filing a motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 available from the Clerk of the Court.

**The Motion to Vacate**

1. You must provide the court with an original motion to vacate. You should keep an additional copy of the motion to vacate for your own records.

2. The following list of the most frequently raised claims for relief in proceedings pursuant to 28 U.S.C. § 2255 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, 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 motion to vacate, you may challenge only one judgment of conviction. If you seek to challenge judgments entered by different judges or divisions either in the same district or in different districts, you must file a separate motion to vacate as to each judgment.

4. The completed motion to vacate and, if applicable, a completed motion for leave to proceed pursuant to 28 U.S.C. § 1915, should be mailed 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. You must furnish the opposing party or its attorney with a copy of all documents submitted to the court for filing and consideration. Each original document (except the original motion to vacate) must include a certificate stating the date a copy of the document was mailed to the opposing party or its attorney and the address to which it was mailed. Any document received which 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 \_\_\_\_\_ (opposing party or counsel for opposing party)  
at \_\_\_\_\_ (address) on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Movant'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.