INSTRUCTIONS FOR FILING A MOTION TO VACATE, SET ASIDE, OR CORRECT A SENTENCE BY A PERSON IN FEDERAL CUSTODY

(Motion Under 28 U.S.C. § 2255)

1. To use this form, you must be a person who is serving a sentence imposed by a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief. You must file the form in the United States District Court that entered the judgment that you are challenging.

- 2. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment. If you want to challenge the Bureau of Prisons' computation of your sentence, or a decision by the United States Parole Commission, you should file an application for habeas corpus relief pursuant to 28 U.S.C. 2241 in the United States District Court for the district in which you are incarcerated.
- 3. Make sure the form is typed or neatly written.
- 4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
- 5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
- 6. There is no charge for filing this motion.
- 7. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
- 8. You must file the form in the United States District Court that entered the judgment that you are challenging. When you have completed the form, mail the **original** to the Clerk of the United States District Court at the division where you were sentenced. The addresses are as follows:

Clerk, United States District Court Middle District of Georgia – Albany 201 W. Broad Ave. Albany, GA 31701

Clerk, United States District Court Middle District of Georgia – Columbus PO Box 124 Columbus, GA 31902

Clerk, United States District Court Middle District of Georgia – Valdosta PO Box 68 Valdosta, GA 31601 Clerk, United States District Court Middle District of Georgia – Athens PO Box 1106 Athens, GA 30601

Clerk, United States District Court Middle District of Georgia – Macon PO Box 128 Macon, GA 31202

9. Keep an identical copy of the motion for your records. If you do not retain a copy of your motion and later request a copy from the Court, you will be required to pay a copying fee of \$0.50 per page.

- 10. <u>Change of Address</u>: You must immediately notify the Court and respondents in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**
- 11. CAUTION: You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
- 12. CAPITAL CASES: If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

Unit	ed States District Court	District				
Name	(under which you were convicted):	<u> </u>			Docket or Case No.:	
Place	of Confinement:			Prisoner No.:	<u> </u>	
UNIT	UNITED STATES OF AMERICA V		M	Ovant (<u>include</u> nam	clude name under which convicted)	
		MOTION				
1.	(a) Name and location of court which en	tered the judgment	of co	nviction you are	challenging:	
	(b) Criminal docket or case number (if y	ou know):				
2.	(a) Date of the judgment of conviction (i(b) Date of sentencing:	if you know):				
3.	Length of sentence:					
4.	Nature of crime (all counts):					
5.	(a) What was your plea? (Check one) (1) Not guilty	(2) Guilty		(3) Nolo	contendere (no contest)	
	(b) If you entered a guilty plea to one co what did you plead guilty to and what di				o another count or	
6.	If you went to trial, what kind of trial did	d you have? (Check	k one)) Jury	Judge only	

AO 243 (GAMD Rev. 05/14) Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes No \square 7. Did you appeal from the judgment of conviction? Yes No \square 8. 9. If you did appeal, answer the following: (a) Name of court: (b) Docket or case number (if you know): (c) Result: (d) Date of result (if you know): (e) Citation to the case (if you know): (f) Grounds raised: (g) Did you file a petition for certiorari in the United States Supreme Court? No 🗌 Yes If "Yes," answer the following: (1) Docket or case number (if you know): (2) Result: (3) Date of result (if you know): (4) Citation to the case (if you know): (5) Grounds raised:

10.	Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court? Yes No
11.	If your answer to Question 10 was "Yes," give the following information: (a) (1) Name of court:
	(2) Docket or case number (if you know):
	(3) Date of filing (if you know):

	(4)	Nature of the proceeding:
	(5)	Grounds raised:
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application? Yes \[\sum \text{No} \sum \sqrt{}
	(7)	Result:
	(8)	Date of result (if you know):
(b)	If yo	ou filed any second motion, petition, or application, give the same information:
	(1)	Name of court:
	(2)	Docket of case number (if you know):
	(3)	Date of filing (if you know):
	(4)	Nature of the proceeding:
	(5)	Grounds raised:
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application? Yes No
	(7)	Result:
	` /	Date of result (if you know):
(c)		you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition,
		cation?
	(1)	First petition: Yes No
	` ,	Second petition: Yes No

	(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:
12.	For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the <u>facts</u> supporting each ground.
GRO	OUND ONE:
	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	(b) Direct Appeal of Ground One:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes No
	(2) If you did not raise this issue in your direct appeal, explain why:
	(c) Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes No
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	•

Docket or case number (if you know):

Ι	Date of the court's decision:
F	Result (attach a copy of the court's opinion or order, if available):
(3) Did you receive a hearing on your motion, petition, or application?
	Yes No No
(4) Did you appeal from the denial of your motion, petition, or application?
	Yes No No
(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes No
(6) If your answer to Question (c)(4) is "Yes," state:
N	Name and location of the court where the appeal was filed:
_ [Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	tesuit (utually a copy of the court's opinion of order, if available).
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_	7) 16
	7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this
1	ssue:
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D '	ГWO:
.) S	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

DIF	ect Appeal of Ground Two:
(1)	If you appealed from the judgment of conviction, did you raise this issue?
	Yes No No
(2)	If you did not raise this issue in your direct appeal, explain why:
Pos	t-Conviction Proceedings:
	Did you raise this issue in any post-conviction motion, petition, or application?
(1)	Yes No
(2)	If you answer to Question (c)(1) is "Yes," state:
	be of motion or petition:
	ne and location of the court where the motion or petition was filed:
	•
Doc	eket or case number (if you know):
Date	e of the court's decision:
Res	ult (attach a copy of the court's opinion or order, if available):
(3)	Did you receive a hearing on your motion, petition, or application?
	Yes No
(4)	Did you appeal from the denial of your motion, petition, or application?
` /	Yes No
(5)	If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes No No
(6)	If your answer to Question (c)(4) is "Yes," state:
	ne and location of the court where the appeal was filed:
Doc	eket or case number (if you know):
	e of the court's decision:
	ult (attach a copy of the court's opinion or order, if available):
1105	are (analon a copy of the court is opinion of order, in a variable).

	issue:
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•	
U ND	THREE:
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	Direct Appeal of Ground Three:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why:
(c)	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why: Post-Conviction Proceedings:
(c)	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why:
(c)	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No
(c)	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why: Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No (1) No (1)
(c)	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why: Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No (2) If you answer to Question (c)(1) is "Yes," state:

	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application? Yes No
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes No No
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes No No
	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	issue:
JNI	FOUR:
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(1)	
	If you appealed from the judgment of conviction, did you raise this issue?
	Yes No No
(2)	If you did not raise this issue in your direct appeal, explain why:
Dog	t-Conviction Proceedings:
	Did you raise this issue in any post-conviction motion, petition, or application?
(1)	Yes No
(2)	If you answer to Question (c)(1) is "Yes," state:
Type	e of motion or petition:
Nan	ne and location of the court where the motion or petition was filed:
Doc	ket or case number (if you know):
Date	e of the court's decision:
Resi	ult (attach a copy of the court's opinion or order, if available):
(3)	Did you receive a hearing on your motion, petition, or application?
	Did you receive a nearing on your motion, pention, or appreciation.
	Yes No
(4)	
(4)	Yes No No
	Yes No No Did you appeal from the denial of your motion, petition, or application?
	Yes No No Did you appeal from the denial of your motion, petition, or application? Yes No
(5)	Yes No No Did you appeal from the denial of your motion, petition, or application? Yes No No Service No Service No
(5)(6)	Yes No No Did you appeal from the denial of your motion, petition, or application? Yes No No Service No Servi
(5) (6) Nam	Yes No No Did you appeal from the denial of your motion, petition, or application? Yes No No Signature No Si
(5) (6) Nam	Yes No No Did you appeal from the denial of your motion, petition, or application? Yes No

Is there any ground in this motion that you have <u>not</u> previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: Do you have any motion, petition, or appeal <u>now pending</u> (filed and not decided yet) in any court for the judg you are challenging? Yes No No If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging: (a) At the preliminary hearing: (b) At the arraignment and plea:		7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise the ssue:
Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judg you are challenging? Yes No If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging: (a) At the preliminary hearing: (b) At the arraignment and plea:	_	
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judgment you are challenging: (a) At the preliminary hearing: (b) At the arraignment and plea:		
(b) At the arraignment and plea:		
(c) At the trial:	(a) A	At the preliminary hearing:
(c) At the trial:		
(c) At the trial:	(b) A	At the arraignment and plea:
(c) At the trial:		
	(c) A	At the trial:
(d) At sentencing:		

(6	e) On appeal:
(f	In any post-conviction proceeding:
(§	g) On appeal from any ruling against you in a post-conviction proceeding:
V	Vere you sentenced on more than one court of an indictment, or on more than one indictment, in the same court
	nd at the same time? Yes No
_	
	o you have any future sentence to serve after you complete the sentence for the judgment that you are hallenging? Yes No
	a) If so, give name and location of court that imposed the other sentence you will serve in the future:
(•	y is so, give name and rocation of court that imposed the other sentence you will serve in the ratare.
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(ł	b) Give the date the other sentence was imposed:
	e) Give the length of the other sentence:
	d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or
	entence to be served in the future? Yes No
5(Sinched to be served in the rutture:

TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of -

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

^{*} The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

Therefore, movant asks that the Court grant the following relief	f:
or any other relief to which movant may be entitled.	
of any other refler to which movant may be entitled.	
	Signature of Attorney (if any)
I declare (or certify, verify, or state) under penalty of perjury th under 28 U.S.C. § 2255 was placed in the prison mailing system	
Executed (signed) on	(date).
	Signature of Movant
If the person signing is not movant, state relationship to movant	t and explain why movant is not signing this motion.