

United States District Court
Northern District of Mississippi

Office of The Clerk

**MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE
BY PERSON IN FEDERAL CUSTODY**

Note: If you are attacking a judgment which imposed a sentence to be served in the future, you must fill in the name of the federal court in which the judgment was imposed.

I N S T R U C T I O N S

1. All motions must be submitted on the Northern District of Mississippi's Form P2, pursuant to the court's *Standing Order* dated July 1, 1998. Motions must be typewritten or legibly handwritten, and signed by you under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on Form P2.
2. Use the spaces provided in Form P2 to present your case. Do not use additional pages except with respect to the facts upon which you rely to support your case. Citation of cases, statutes, or other authority is not required. Briefs and argument are not required; however, if they are provided, they must be submitted in the form of a separate memorandum.
3. A motion may challenge the judgment entered by one judge *only*. If you seek to challenge judgments entered by two or more judges in the Northern District of Mississippi, you must file a separate motion for each.
4. Include in your motion *all* grounds and bases for relief, together with all supporting facts. All grounds and bases for relief, and all supporting facts, not included in your motion will be considered as legally waived.
5. Numbers of copies to file: the original and 2 copies must be mailed to

Clerk of Court
United States District Court for the Northern District of Mississippi
911 Jackson Avenue, Room 369
Oxford, Mississippi 38655-3622

6. If your motion does not conform to these instructions, it will be filed but not considered until all deficiencies are corrected. You will be notified if your motion is deficient.

United States District Court
Northern District of Mississippi

(Your full name and prison inmate number. Include any other name under which convicted, if different)

MOVANT

v.

CASE No.

THE UNITED STATES OF AMERICA

RESPONDENT

MOTION

1. Place of confinement _____

2. Name and location of court which entered the judgment of conviction under attack _____

3. Date of judgment of conviction _____

4. Length of sentence _____

5. Nature of offense involved (all counts) _____

6. What was your plea? (Check one) Not guilty Guilty Nolo contendere

7. If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details

7. Kind of trial (Check One) Jury Judge only–no jury

8. Did you testify at trial? Yes No

9. Did you appeal from the judgment of conviction? Yes No

10. If you appealed, give the following information:

(a) Name of court appealed to _____

(b) Result _____

(c) Date of result _____

(d) Grounds raised _____

11. If you did not appeal, briefly explain why _____

12. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes No

13. If you checked "Yes" in Question 12, give the following information:

(a)(1) Name of court _____

(2) Nature of proceedings _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application, or motion? Yes No

(5) Result _____

(6) Date of result _____

(7) If the result was against you, did you appeal? Yes No

(8) If you appealed, state the name of the court appealed to and the result of the appeal _____

(9) If you did not appeal, explain why not _____

- (b) If you have filed more than one petition, application, or motion, give the same information in 13(a) above for each such additional petition, application, or motion. This information may be stated on a separate sheet of paper, clearly labeled as part of your answer to Question 13, attached to this motion.

14. State below *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, attach pages stating additional grounds and *facts* supporting each. Each page must be clearly labeled as part of your answer to Question 14, attached to this motion.

CAUTION

If you fail to state all grounds in *this* motion, you may be barred from presenting additional grounds at a later date. Re-read the Instructions carefully before you complete the rest of this form.

GROUND 1 _____

SUPPORTING FACTS (Tell your story *briefly* without citing legal cases or other authority) _____

GROUND 2 _____

SUPPORTING FACTS (Tell your story *briefly* without citing legal cases or other authority) _____

GROUND 3 _____

SUPPORTING FACTS (Tell your story *briefly* without citing legal cases or other authority) _____

GROUND 4 _____

SUPPORTING FACTS (Tell your story *briefly* without citing legal cases or other authority) _____

15. If any of the grounds listed in Question 14 have not been presented in previous petitions, motions, or applications, explain why

16. Do you have any motion(s) or appeal(s) now pending in any court, state or federal, pertaining to the judgment now under attack?

Yes

No

17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked:

(a) Preliminary Hearing _____

(b) Arraignment and Plea _____

(c) Trial _____

(d) Sentencing _____

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from adverse ruling of a postconviction proceeding _____

(h) At parole or probation revocation proceeding _____

18. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court at the same time?

Yes No

19. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, state the name and location of the court which imposed the sentence to be served in the future _____

(b) State the date and length of the sentence to be served in the future _____

(c) Have you filed, or do you plan to file, a motion attacking the judgment which imposed the future sentence(s)?

Yes No

20. What relief do ask the United States District Court for the Northern District of Mississippi to grant you? _____

This Motion was Executed at _____

on this date _____.

Movant's Signature

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct, this _____ day
of _____ 19____.

Movant's Signature