

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**MOTION, PURSUANT TO SECTION 2255 OF TITLE 28
UNITED STATES CODE**

ATTACKING A SENTENCE IMPOSED BY THAT COURT

UNITED STATES OF AMERICA

VS.

CASE NO.

(To be supplied by the
Clerk of the District Court)

(name of movant)
(Full name under which you
were convicted)

INSTRUCTIONS-READ CAREFULLY

In order for this motion to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten) by the Movant, under penalty of perjury, and it shall set forth in concise form the answers to each applicable question. If necessary, Movant may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Movant shall make it clear to which question any such continued answer refers.

Since every motion under Section 2255 of Title 28, United States Code, must be made under penalty of perjury, any false statement of a material fact therein may serve as the basis of prosecutions and conviction for perjury. Movant should therefore exercise care to assure that all answers are true and correct.

If the motion is made in forma pauperis, it shall include an affidavit (page 6 of this form) setting forth information which establishes that the Movant will be unable to pay the fees and costs of the 2255 proceedings. When the form is completed, the original and 2 copies shall be mailed to

the Clerk of the District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102.

1. Place of detention _____

2. Name and location of Court which, and name of judge who, imposed sentence _____

3. The indictment number or numbers (if known) upon which the offense or offenses for which sentence was imposed.:

(a) _____

(b) _____

(c) _____

4. The date upon which sentence was imposed and the terms of the sentence:

(a) _____

(b) _____

(c) _____

5. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty _____

(c) After a plea of nolo contendere _____

6. If you were found guilty after a plea of not guilty, check whether that finding was made by

(a) a jury _____

(b) a judge without a jury _____

7. Did you appeal from the judgment of conviction or the imposition of sentence? _____

8. If you answered "yes" to question 7, list

(a) the name of each court to which you appealed:

I _____

11 _____

111 _____

(b) the result of each such court to which you appealed:

I _____
11 _____
111 _____

(c) the date of each such result:

I _____
11 _____
111 _____

(d) If known, citations of any written opinions or orders entered pursuant to such results:

I _____
11 _____
111 _____

9. State concisely the grounds on which you base your allegation that the sentence which was imposed on you is invalid.

(a) _____

(b) _____

(c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) _____

(b) _____

(c) _____

11. Have you previously filed petitions for habeas corpus motions under section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction? _____

12. If you answered "yes" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof:

I _____
11 _____
111 _____

(b) the name and location of the court in which each was filed:

I _____
11 _____
111 _____

(c) the disposition thereof:

I _____
11 _____
111 _____

(d) the date of each disposition

I _____
11 _____
111 _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

I _____
11 _____
111 _____

13. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under section 2255 of Title 28, United States Code, or any other petition, motion or application? _____

14. If you answered "yes" to (13), identify

(a) which grounds have been previously presented:

I _____
11 _____
111 _____

(b) the proceedings in which each ground was raised:

I _____
11 _____
111 _____

15. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea? _____

(b) your trial, if any? _____

(c) your sentencing? _____

(d) your appeal, if any, from the judgment of conviction of the imposition of sentence?

(e) preparation, presentation or consideration of any petitions, motions or applications
with respect to this conviction, which you filed? _____

16. If you answered "yes" to one or more parts of (15), list

(a) the name and address of each attorney who represented you:

I _____
11 _____
111 _____

WHEREFORE, movant prays that the Court grant movant relief to which he may be
entitled in this proceeding.

Signed under penalty of perjury _____ at _____

Date

Signature of Movant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,

CASE NO.

v..

APPLICATION TO PROCEED
IN FORMA PAUPERIS

Defendant.

I, _____, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes _____ No _____

If your answer is "yes", state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

If the answer is "no", state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

2. Have you received, within the past twelve (12) months, any money from any of the following sources:

a) Business, profession or self employment Yes _____ No _____

b) Income from stocks, bonds, or royalties? Yes _____ No _____

c) Rent payments? Yes _____ No _____

d) Pensions, annuities, or life insurance payments? Yes _____ No _____

e) Federal or State welfare payments, Social Security or other government source? Yes _____ No _____

If the answer is "yes" to any of the above, describe each source of money and state the amount received from each. _____

3. Are you married? Yes _____ No _____

Spouse's Full Name: _____

Spouse's Place of Employment: _____

Spouse's Monthly Salary, Wages or Income:

Gross \$ _____ Net \$ _____

4. a) List amount you contribute to your spouse's support:

\$ _____

b) List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support:

5. Do you own or are you buying a home? Yes _____ No _____

Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

6. Do you own an automobile? Yes _____ No _____

Make: _____ Year: _____ Model: _____

Is it financed? Yes _____ No _____ If so, Total due: \$ _____
Monthly Payment: \$ _____

7. Do you have a bank account? (If you are a prisoner, include funds in your prison account, and provide the certificate attached, verified by an officer of the prison.)

Yes _____ No _____

Name (s) and address (es) of bank: _____

Present balance (s) : \$ _____

Do you own any cash? Yes _____ No _____ Amount: \$ _____

Do you have any other assets? (If "Yes", provide a description of each asset and its estimated market value) .

Yes _____ No _____

8. What are your monthly expenses?

Rent: \$ _____

Utilities: \$ _____

Food: \$ _____

Clothing: \$ _____

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total owed On This Account</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable.)

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits?

Yes _____ No _____

Please list the case name (s) and number (s) of the prior lawsuit (s) ,and the name of the court in which they were filed.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

Date: _____

Signature of Applicant: _____

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto are true and correct copies of the prisoner account transactions of

at _____

where (s)he is confined.

Authorized Officer of the Institution