

**INSTRUCTIONS FOR FILING AN APPLICATION UNDER
28 U.S.C. § 2241 FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE OR FEDERAL CUSTODY**

(Do not use as a § 2254 or as a § 2255)

1. To use this form, you must be a person who is serving a sentence imposed by a federal or a state court and you contend that your sentence(s) is/are being calculated incorrectly. Another reason for using this form is if you are a person who wishes to challenge a decision by the United States Parole Commission (not a state parole board). You are asking for relief from the calculation of your sentence – not from the conviction or the sentence itself.
2. File this application 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 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. The filing fee is \$5.00. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may apply to proceed without prepayment of fees or costs. To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
7. When you have completed the form, mail the original to the Clerk of the United States District Court for the district **where you are incarcerated**.

Clerk, United States District Court
845 Fifth Avenue, Room 101
Huntington, WV 25701

8. Keep an identical copy of the application for your records. If you do not retain a copy of your application and later request a copy from the Clerk, you will be required to pay a copying fee of \$0.50 per page.
9. A judge will decide whether the respondent must answer the application. You will receive notice of any action taken by the court.

NOTE: If you are transferred to another institution or released from custody, you must promptly inform the Clerk of your new address. If you will be in transit for weeks or months, you must promptly inform the Clerk that you are in transit, and then inform the Clerk of your new address when you reach your designated institution.