

**INSTRUCTIONS FOR FILING A PETITION FOR RELIEF FROM
A CONVICTION OR SENTENCE BY A PERSON IN STATE CUSTODY
(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)**

1. To use this form, you must be a person who is currently serving a sentence imposed by a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief. You must file the form in the United States District Court for the district where the state court judgment is entered or in which you are incarcerated.
2. You may also use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.
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. The filing fee is \$5. 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. In this petition, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different court (either in the same state or in different states), you must file a separate petition.
8. When you have completed the form, mail the original to the Clerk of the United States District Court at this address:

Clerk, United States District Court
110 North Heber Street, Room 119
Beckley, WV 25801
9. Keep an identical copy of the petition for your records. If you do not retain a copy of your petition and later request a copy from the Court, you will be required to pay a copying fee of \$0.50 per page.
10. The Clerk will provide a copy of your petition to the Attorney General or appropriate officer of the State. A judge will decide whether the Respondent must answer the petition. You will receive notice of any action taken by the court.
11. **CAUTION: You must include in this petition 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 petition, 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.**

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.