

**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. When you have completed the form, send 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 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. The Clerk will provide a copy of your motion to the United States Attorney. A judge will decide whether the United States must respond to your motion. You will receive notice of any action taken by the Court.
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.**

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.