

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**Form 12. Application for Leave to File Second or Successive
Petition under 28 U.S.C. § 2254 or Motion under 28 U.S.C. § 2255**

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form12instructions.pdf>

9th Cir. Case Number (*to be provided by court*) _____

Applicant Name _____

Prisoner Registration Number _____

Address _____

Name of Respondent (Warden) _____

You MUST answer the following questions:

(1) What conviction(s) are you challenging?

(2) In what court(s) were you convicted of these crime(s)?

(3) What was the date of each of your conviction(s) and what is the length of each sentence?

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

For questions (4) through (10), provide information separately for each of your previous §§ 2254 or 2255 proceedings. Use additional pages if necessary.

(4) Has the judgment of your conviction or sentence been modified or amended? If yes, when and by what court?

(5) With respect to **each** conviction and sentence, have you ever filed a petition or motion for habeas corpus relief in federal court under **28 U.S.C. § 2254** or **§ 2255**?

Yes No

(a) In which federal district court did you file a petition or motion?

(b) What was the docket number?

(c) On what date did you file the petition/motion?

(6) What grounds were raised in your previous habeas proceeding?
(list all grounds and issues previously raised in that petition/ motion)

(7) Did the district court hold an evidentiary hearing? Yes No

(8) How did the district court rule on your petition/motion?

District court **dismissed** petition/motion. If yes, on what grounds?

District court **denied** petition/motion.

District court **granted** relief. If yes, on what claims and what was the relief?

(9) On what date did the district court decide your petition/motion?

(10) Did you file an appeal from that disposition? Yes No

(a) What was the docket number of your appeal?

(b) How did the court of appeals decide your appeal?

(11) State concisely each and every ground or issue you wish to raise in your current petition or motion for habeas relief. Summarize briefly the facts supporting each ground or issue.

(12) For each ground raised, was it raised in the state courts? If so, what did the state courts rule and when? (*Attach a copy of all relevant state court decisions, if available*)

(13) For each ground/issue raised, was this claim raised in any prior federal petition/motion? (*list each ground separately*)

(14) For each ground/issue raised, does this claim rely on a new rule of constitutional law? (*list each ground separately and give case name and citation for each new rule of law*)

(15) For each ground/issue raised, does this claim rely on newly discovered evidence? What is the evidence and when did you discover it? Why has this newly discovered evidence not been previously available to you? (*list each ground separately*)

(16) For each ground/issue raised, does the newly discovered evidence establish your innocence? How?

(17) For each ground/issue raised, does the newly discovered evidence establish a federal constitutional error? Which provision of the Constitution was violated and how?

(18) Provide any other basis for your application not previously stated.

Signature _____ **Date** _____

In capital cases only, proof of service on respondent MUST be attached. A sample proof of service is attached to this form.

Attach proposed section 2254 petition or section 2255 motion to this application.

Mail this form to the court at:

Clerk, U.S. Court of Appeals for the Ninth Circuit, P.O. Box 193939, San Francisco, CA 94119-3939

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

CERTIFICATE OF SERVICE

**Applications for Leave to File Second or Successive 28 U.S.C. §§ 2254/2255
Petitions/Motions**

DEATH PENALTY CASES ONLY

Case Name _____ v. _____

I certify that a copy of the application for leave to file a second or successive 28 U.S.C. § 2254 petition or § 2255 motion with any attachments was served, either in person or by mail, on the person listed below.

Signature _____
(Notary *NOT* required)

Date of Service _____

Name	Address
_____	_____