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## MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

<u>Unite</u>	ed States District Court	District				
Name	(under which you were convicted):				Docket or Case No.:	
Place	of Confinement:		Pri	isoner No.:	L	
UNITI	ED STATES OF AMERICA	V.	Mova	ant ( <u>include</u> nar	ne under which convicted)	
		MOTION				
1.	(a) Name and location of court which	n entered the judgmen	t of convic	ction you ar	e challenging:	
	(b) Criminal docket or case number (	if you know):				
2.	<ul><li>(a) Date of the judgment of conviction</li><li>(b) Date of sentencing:</li></ul>					
3.	Length of sentence:					
4.	Nature of crime (all counts):					
5.	<ul><li>(a) What was your plea? (Check one</li><li>(1) Not guilty □</li></ul>		I	(3) Nolo	o contendere (no contest)	
	(b) If you entered a guilty plea to one what did you plead guilty to and what			guilty plea	to another count or	
6.	If you went to trial, what kind of trial	I did you have? (Che	ck one)	Jury	✓ □ Judge only □	

7.	Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes □ No □							
8.	Did you appeal from the judgment of conviction? Yes $\square$ No $\square$							
9.	If you did appeal, answer the following:							
	(a) Name of court:							
	(b) Docket or case number (if you know):							
	(c) Result:							
	(d) Date of result (if you know):							
	(e) Citation to the case (if you know):							
	(f) Grounds raised:							
	(g) Did you file a petition for certiorari in the United States Supreme Court? Yes □ No □							
	If "Yes," answer the following:							
	(1) Docket or case number (if you know):							
	(2) Result:							
	(2) Result.							
	(3) Date of result (if you know):							
	(4) Citation to the case (if you know):							
	(5) Grounds raised:							
10.	Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court? Yes $\square$ No $\square$							
11.	If your answer to Question 10 was "Yes," give the following information: (a) (1) Name of court:							
	(2) Docket or case number (if you know):							
	(3) Date of filing (if you know):							

	(4)	Nature of the proceeding:						
	(5)	Grounds raised:						
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?						
		Yes □ No □						
	(7)	Result:						
	(8)	Date of result (if you know):						
(b)	If y	If you filed any second motion, petition, or application, give the same information:						
	(1)	Name of court:						
	(2)	Docket of case number (if you know):						
	(3)	Date of filing (if you know):						
	(4)	Nature of the proceeding:						
	(5)	Grounds raised:						
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?						
		Yes □ No □						
	(7)	Result:						
	(8)	Date of result (if you know):						
(c)	Did	you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition,						
or	appli	cation?						
	(1)	First petition: Yes \( \square\) No \( \square\)						
	(2)	Second petition: Yes $\square$ No $\square$						
(d)	If y	ou did not appeal from the action on any motion, petition, or application, explain briefly why you did not:						

laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. **GROUND ONE:** (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): (b) Direct Appeal of Ground One: (1) If you appealed from the judgment of conviction, did you raise this issue? Yes  $\square$ No 🗆 (2) If you did not raise this issue in your direct appeal, explain why: (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? No 🗆 Yes  $\square$ (2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes  $\square$ No  $\square$ 

For this motion, state every ground on which you claim that you are being held in violation of the Constitution,

	(4)	Did you appeal from the denial of your motion, petition, or application?
		Yes □ No □
	(5)	If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
		Yes □ No □
	(6)	If your answer to Question (c)(4) is "Yes," state:
	Na	me and location of the court where the appeal was filed:
	Do	cket or case number (if you know):
	Dat	te of the court's decision:
	Res	sult (attach a copy of the court's opinion or order, if available):
	(7) issu	If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this ae:
GROU	J <b>ND TV</b>	VO:
	(a) Sup	oporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	(b) Dir	rect Appeal of Ground Two:
	(1)	
		Yes □ No □

(2)	If you did not raise this issue in your direct appeal, explain why:						
	Post-Conviction Proceedings:						
	Did you raise this issue in any post-conviction motion, petition, or application?						
(1)	Yes \( \sum \) No \( \sum \)						
(2)							
` /	Type of motion or petition:						
-	me and location of the court where the motion or petition was filed:						
	ocket or case number (if you know):						
	te of the court's decision:						
Re	sult (attach a copy of the court's opinion or order, if available):						
(3)	Did you receive a hearing on your motion, petition, or application?						
(-)	Yes □ No □						
(4)							
(.)	Yes □ No □						
(5)							
(-)	Yes □ No □						
(6)							
` /	me and location of the court where the appeal was filed:						
Do	ocket or case number (if you know):						
Da	Date of the court's decision:						
Re	sult (attach a copy of the court's opinion or order, if available):						
(7)							
iss	ue:						

JNL	OTHREE:
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b)	Direct Appeal of Ground Three:
(0)	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes \( \) No \( \)
	(2) If you did not raise this issue in your direct appeal, explain why:
	(2) If you are not ruise and issue in your direct appear, explain why:
(c)	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?

(5)	Yes □ No □
(6)	If your answer to Question (c)(4) is "Yes," state:
Na	me and location of the court where the appeal was filed:
Do	cket or case number (if you know):
	te of the court's decision:
	sult (attach a copy of the court's opinion or order, if available):
_	
(7) issu	If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raisue:
	ATTD.
	DUR:
(a) Sup	pporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b) Dir	
(a) Sup	pporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  rect Appeal of Ground Four:

(c)	Post-Conviction Proceedings:						
	(1)	1) Did you raise this issue in any post-conviction motion, petition, or application?					
		Yes □	No □				
	(2)	If you answer	to Question (c)(1) is "Yes," state:				
	Тур	e of motion or p	petition:				
	Nan	ne and location	of the court where the motion or petition was filed:				
	Doc	eket or case num	ber (if you know):				
	Date	e of the court's	decision:				
	Resi	ult (attach a cop	y of the court's opinion or order, if available):				
	(3)	Did you receiv	re a hearing on your motion, petition, or application?				
	(4)	_	No □  I from the denial of your motion, petition, or application?  No □				
	(5)		to Question (c)(4) is "Yes," did you raise the issue in the appeal?  No □				
	(6)	If your answer	to Question (c)(4) is "Yes," state:				
		-	of the court where the appeal was filed:				
	Doc	ket or case num	ber (if you know):				
	Date	e of the court's	decision:				
	Resi	ult (attach a cop	y of the court's opinion or order, if available):				
	(7)	•	to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this				
			nis motion that you have <u>not</u> previously presented in some federal court? If so, which not been presented, and state your reasons for not presenting them:				

13.

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3	Do you have any motion, petition, or appeal <u>now pending</u> (filed and not decided yet) in any court for the rou are challenging? Yes \( \Boxed{\sqrt{No}} \Boxed{\sqrt{No}} \Boxed{\sqrt{No}} \Boxed{\sqrt{filed}}   f "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the
i	ssues raised.
	Give the name and address, if known, of each attorney who represented you in the following stages of the rou are challenging:  a) At the preliminary hearing:
	b) At the arraignment and plea:
	c) At the trial:
	d) At sentencing:
	e) On appeal:
	f) In any post-conviction proceeding:
	g) On appeal from any ruling against you in a post-conviction proceeding:
	Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same courts
	and at the same time? Yes $\square$ No $\square$
	Oo you have any future sentence to serve after you complete the sentence for the judgment that you are hallenging?  Yes □ No □
	a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:						
	(c) Give the length of the other sentence:					
(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or						
	sentence to be served in the future? Yes $\square$ No $\square$					
	TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*					
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A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has

paragraph 6, provides in part that:

been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following	relief:
or any other relief to which movant may be entitled.	
	Signature of Attorney (if any)
I declare (or certify, verify, or state) under penalty of peri	ury that the foregoing is true and correct and that this Motion
under 28 U.S.C. § 2255 was placed in the prison mailing s  (month, date,	system, first class postage prepaid on
Executed (signed) on	(date)
	Signature of Movant
If the person signing is not movant, state relationship to m	novant and explain why movant is not signing this motion.