UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN

Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a person in Federal Custody

Purpose

This form is to be used if you, the petitioner, claim that your federal sentence itself is unlawful. If you believe you are being held in custody unlawfully on a federal criminal conviction, you should file a Petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody.

Notice: Any false statements of a material fact may serve as a basis for prosecution and conviction for perjury.

Filling out the form

Fill out the attached form and answer each item completely in the space provided. Be sure all answers are typewritten or legibly handwritten.

Additional Pages

Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief.

No citation of authorities need be furnished.

If providing briefs or arguments, they must be:

- on white 8 ½ by 11 paper, and
- securely attached to this form.

Filing Fee

There is no fee for filing a Motion to Vacate, Correct, or Set Aside a Federal Sentence.

Submitting Forms

When the petition is fully completed, mail the original and one (1) copy to:

Office of the Clerk United States District Court 231 W. Lafayette Boulevard, Fifth Floor Detroit, MI 48226

Failure to comply with all of the instructions will result in unnecessary delays

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

Unit	ed States District Court	District	<u> </u>		
Name	(under which you were convicted):	•		Docket or Case No.:	
Place	of Confinement:		Prisoner No.:		
UNIT	ED STATES OF AMERICA	V.	Movant (<u>in</u> e	clude name under which convicted)	
		MOTION			
1.	(a) Name and location of court which e	entered the judgmen	t of conviction	you are challenging:	
	(b) Criminal docket or case number (if	you know):			
2.	(a) Date of the judgment of conviction(b) Date of sentencing:	(if you know):			
3.	Length of sentence:				
4.	Nature of crime (all counts):				
5.	(a) What was your plea? (Check one) (1) Not guilty	(2) Guilty] (3) Nolo contendere (no contest)	
	(b) If you entered a guilty plea to one of what did you plead guilty to and what		•	plea to another count or	
6.	If you went to trial, what kind of trial of	lid you have? (Ched	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 \[\] No \[\]						
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:						
	(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 No						
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 \[\sum \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	(7)	Result:
	(8)	Date of result (if you know):
(b)	If yo	ou 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 a	applio	cation?
	(1)	First petition: Yes No No
	(2)	Second petition: Yes No No

	(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not
2.	For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the <u>fact</u> supporting each ground.
lOI	UND 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:
	(b) Direct Appeal of Ground One: (1) If you appealed from the judgment of conviction, did you raise this issue?
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No 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?
	(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: (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No ((3) No ((4) Yes)
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No 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?

	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):
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	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No No
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes No No
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes No No
	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal 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):
_	
-	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this
	issue:
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-	
ID	TWO:
a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

DII	rect Appeal of Ground Two:
(1)	If you appealed from the judgment of conviction, did you raise this issue?
	Yes No No
(2)	If you did not raise this issue in your direct appeal, explain why:
()	
Pos	st-Conviction Proceedings:
	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:
	pe of motion or petition:
	me and location of the court where the motion or petition was filed:
- 1002	
Dog	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):
(3)	Did you receive a hearing on your motion, petition, or application?
	Yes No
(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 No
(6)	If your answer to Question (c)(4) is "Yes," state:
	me and location of the court where the appeal was filed:
Dog	cket or case number (if you know):
	te of the court's decision:
Res	sult (attach a copy of the court's opinion or order, if available):

	issue:
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JND	THREE:
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b)	Direct Appeal of Ground Three:
	Direct Appeal of Ground Three: (1) If you appealed from the judgment of conviction, did you raise this issue?
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	 (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:
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
	 (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:
	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why: Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?
	 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No No (2) If you did not raise this issue in your direct appeal, explain why: Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No (1) No (1)
(c)	(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: 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:

(3) Did you receive a hearing on your motion, petition, or application? Yes No No (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: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue: ND FOUR: a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):		
Yes No No (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: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		
Yes No No (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: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		
(4) Did you appeal from the denial of your motion, petition, or application? Yes No No (c)(4) is "Yes," did you raise the issue in the appeal? Yes No (d) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:	(3)	
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: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		Yes No
(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No No (6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:	(4)	Did you appeal from the denial of your motion, petition, or application?
Yes No (6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		Yes No
(6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:	(5)	If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
Name and location of the court where the appeal 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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		Yes No
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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:	(6)	If your answer to Question (c)(4) is "Yes," state:
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): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		
Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue:		
Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue: ND FOUR:	Do	cket or case number (if you know):
Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rai issue: ND FOUR:	Da	te of the court's decision:
issue: ND FOUR:	Res	
issue: ND FOUR:		
issue: ND FOUR:		
		
a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):		
		DUR:

	ect Appeal of Ground Four:
(1)	If you appealed from the judgment of conviction, did you raise this issue?
	Yes No No
(2)	If you did not raise this issue in your direct appeal, explain why:
Pos	t-Conviction Proceedings:
(1)	Did you raise this issue in any post-conviction motion, petition, or application?
	Yes No No
(2)	If you answer to Question (c)(1) is "Yes," state:
Тур	pe of motion or petition:
Nan	ne and location of the court where the motion or petition was filed:
Doc	cket or case number (if you know):
	a of the court's decision
Date	e of the court's decision:
Date	a of the court's decision
Date	e of the court's decision:
Date Res	e of the court's decision: cult (attach a copy of the court's opinion or order, if available):
Date	e of the court's decision: sult (attach a copy of the court's opinion or order, if available): Did you receive a hearing on your motion, petition, or application?
Date Res	Did you receive a hearing on your motion, petition, or application? Yes No
Date Res	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application?
(3)	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No
Date Res	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
(3) (4) (5)	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Tes No
(3) (4) (5)	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No Did your answer to Question (c)(4) is "Yes," state:
(3) (4) (5)	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Tes No
(3) (4) (5) (6) Nam	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did your application? Yes No Did your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No Did your answer to Question (c)(4) is "Yes," state: If your answer to Question (c)(4) is "Yes," state: In and location of the court where the appeal was filed:
(3) (4) (5) (6) Nam	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No Did your answer to Question (c)(4) is "Yes," state: The and location of the court where the appeal was filed:
(3) (4) (5) (6) Nam	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No Did your answer to Question (c)(4) is "Yes," state: The and location of the court where the appeal was filed: Exercise to case number (if you know): The of the court's decision:
(3) (4) (5) (6) Nam	Did you receive a hearing on your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did you appeal from the denial of your motion, petition, or application? Yes No Did your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No Did your answer to Question (c)(4) is "Yes," state: The and location of the court where the appeal was filed:

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:
Is there any ground in this motion that you have <u>not</u> previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:
If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.
Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:
(a) At the preliminary hearing:
(b) At the arraignment and plea:
(c) At the trial:
(c) At the trial:

	(e) On appeal:			
٠	(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 court and at the same time? Yes No			
Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? 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			

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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 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.

^{*} The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. \S 2255, paragraph 6, provides in part that:

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 perjury tha under 28 U.S.C. § 2255 was placed in the prison mailing system	
	(month, date, year)
Executed (signed) on	(date).
	Signature of Movant
If the person signing is not movant, state relationship to movant	and explain why movant is not signing this motion.