

**PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

**Explanation and Instructions—Read Carefully**

(1) You may use this form if you are a pre-trial detainee challenging your pre-conviction custody, a federal prisoner challenging the execution of your sentence or actions taken by the Bureau of Prisons, an immigration detainee challenging your detention, or in other situations where relief is not available under 28 U.S.C. § 2254 or 28 U.S.C. § 2255.

If you are challenging the constitutionality of your state-court conviction or sentence, you must file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

If you are a federal prisoner attacking the legality of your federal conviction or sentence, you must file a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, unless a § 2255 motion is inadequate or ineffective to test the legality of your detention. If you believe this is the case, you must explain why in the appropriate section of the § 2241 form.

(2) The petition must: (1) specify all the grounds for relief available to you; (2) state the facts supporting each ground; (3) state the relief requested; (4) be printed, typewritten, or legibly handwritten; and (5) be signed under penalty of perjury by you or by a person authorized to sign it for you.

(3) Additional pages are not permitted except with respect to the facts upon which you rely to support your grounds for relief. Do not make legal arguments or cite cases or statutes. However, identify the constitutional right(s) you allege was/were violated. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(4) You must submit a \$5 filing fee when you file your petition. If you cannot afford the filing fee, you may file an application to proceed without prepayment of filing fees, setting forth information establishing your inability to pay. You must have an authorized officer at your penal institution complete the certificate as to the amount of money and securities on deposit to your institutional account.

(5) The petition must name as respondent the warden, jailer, or other authorized person having custody of you.

(6) To file the petition with the Court, mail the fully completed original to the Clerk of the United States District Court. **Keep a copy of the petition for your records.** The Clerk's Office mailing addresses are:

<b>LOUISVILLE</b>	<b>PADUCAH</b>
601 W. Broadway, Rm 106 Gene Snyder United States Courthouse Louisville, KY 40202	501 Broadway, Suite 127 Paducah, KY 42001-6801
<b>BOWLING GREEN</b>	<b>OWENSBORO</b>
241 East Main Street, Suite 120 Bowling Green, KY 42101-2175	423 Frederica Street, Suite 126 Owensboro, KY 42301-3013

(7) If your petition does not conform to these instructions, a deficiency notice will be issued to you. The deficiency notice will inform you of the amount of time to correct your petition. Failure to respond could ultimately lead to dismissal of your petition.

(8) Review the attached amended notice of electronic availability of civil case file information. It is your responsibility to exclude and/or redact (blackout) sensitive information identified in documents that you file. For example:

- In the case of social security or account numbers, only the last four digits should be used. For example, if the number is 5555-555-5555, you should refer to it as "xxxx-xxx-5555" in your filing.
- In the case of a date of birth, only the year should be used. For example, if the birth date is 01-01-1940, all you should include in your filing is "xx-xx-1940."
- For a minor child, use only his/her first and last initials. For example, if the minor's name is Mary Ann Doe, you should refer only to the minor as "M.D." in your filing.

Prisoner Number/Alien Registration Number \_\_\_\_\_

Place of Confinement \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY

\_\_\_\_\_, )  
(Full Name of Petitioner) )  
 )  
Petitioner, )  
 )  
VS. )  
 )  
\_\_\_\_\_, )  
(Name of Warden, Jailer, or Authorized )  
Person having custody of Petitioner) )  
 )  
Respondent(s), )  
\_\_\_\_\_ )

CASE NO. \_\_\_\_\_  
(To be supplied by the Clerk)

**PETITION UNDER 28 U.S.C. § 2241  
FOR A WRIT OF HABEAS CORPUS**

AMENDED PETITION

**PETITION**

1. What are you challenging in this petition?
  - Conviction or sentence
  - Bureau of Prisons sentence calculation or loss of good-time credits
  - Probation, parole, or supervised release matter
  - State pre-trial detention
  - Detainer
  - Immigration detention
  - Other (explain): \_\_\_\_\_
  
2. (a) Name and location of the agency or court that made the decision you are challenging: \_\_\_\_\_
- (b) Case or opinion number: \_\_\_\_\_
- (c) Decision made by the agency or court: \_\_\_\_\_
  
- (d) Date of the decision: \_\_\_\_\_

3. Did you appeal the decision to a higher agency or court? Yes  No

If yes, answer the following:

(a) First appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(b) Second appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(c) Third appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. If you did not appeal this decision to a higher agency or court, explain why you did not:

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5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes  No

If yes, answer the following:

- (a) Name of the agency or court: \_\_\_\_\_
  - (b) Date you filed: \_\_\_\_\_
  - (c) Opinion or case number: \_\_\_\_\_
  - (d) Result: \_\_\_\_\_
  - (e) Date of result: \_\_\_\_\_
  - (f) Issues raised: \_\_\_\_\_
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6. For this petition, **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 **facts** supporting each ground.

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (use up) any available administrative or judicial remedies on each ground on which you requested action by the federal court.

**GROUND ONE:** \_\_\_\_\_

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- (a) Supporting **FACTS** (State *briefly* without citing cases or law): \_\_\_\_\_
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(b) Did you exhaust all available administrative or judicial remedies relating to Ground One? Yes  No

(c) If yes, did you present the issue to:

- Federal court
- Bureau of Prisons
- Parole Commission
- State court
- Board of Immigration Appeals
- Other: \_\_\_\_\_

(d) If you did not exhaust all available remedies relating to Ground One, explain why: \_\_\_\_\_

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**GROUND TWO:** \_\_\_\_\_

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(a) Supporting FACTS (State *briefly* without citing cases or law): \_\_\_\_\_

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(b) Did you exhaust all available administrative or judicial remedies relating to Ground Two? Yes  No

(c) If yes, did you present the issue to:

- Federal court
- Bureau of Prisons
- Parole Commission
- State court
- Board of Immigration Appeals
- Other: \_\_\_\_\_

(d) If you did not exhaust all available remedies relating to Ground Two, explain why: \_\_\_\_\_

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**GROUND THREE:** \_\_\_\_\_

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(a) Supporting FACTS (State *briefly* without citing cases or law): \_\_\_\_\_

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(b) Did you exhaust all available administrative or judicial remedies relating to Ground Three? Yes  No

(c) If yes, did you present the issue to:

- Federal court
- Bureau of Prisons
- Parole Commission
- State court
- Board of Immigration Appeals
- Other: \_\_\_\_\_

(d) If you did not exhaust all available remedies relating to Ground Three, explain why: \_\_\_\_\_

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**GROUND FOUR:** \_\_\_\_\_

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(a) Supporting FACTS (State *briefly* without citing cases or law): \_\_\_\_\_

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(b) Did you exhaust all available administrative or judicial remedies relating to Ground Four? Yes  No

(c) If yes, did you present the issue to:

- Federal court
- Bureau of Prisons
- Parole Commission
- State court
- Board of Immigration Appeals
- Other: \_\_\_\_\_

(d) If you did not exhaust all available remedies relating to Ground Four, explain why: \_\_\_\_\_

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**Please answer these additional questions about this petition:**

7. Are you challenging your conviction or sentence in any of the grounds raised above:

Yes  No

(Claims challenging a federal conviction or sentence may only be raised in a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective. Claims raised by any state prisoner who has been convicted and sentenced must be raised in a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes  No

If yes, answer the following:

(1) Name of court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(b) Explain why the remedy under § 2255 is inadequate or ineffective: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: \_\_\_\_\_

(b) Date of removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals? Yes  No

(1) Date you filed: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. If this petition concerns your pre-trial custody by the Commonwealth of Kentucky, answer the following:

(a) Date you were arrested: \_\_\_\_\_

(b) Charge(s) brought: \_\_\_\_\_

(c) Projected date of your trial: \_\_\_\_\_

(d) Are you represented by counsel? Yes  No

(e) Have you raised your claims in the state court? Yes  No

If yes, answer the following:

(1) Name of court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Petitioner asks that the Court grant the following relief: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or any other relief to which petitioner may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on

\_\_\_\_\_.

(month, date, year)

Executed (signed) on \_\_\_\_\_.

(date)

\_\_\_\_\_

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**United States District Court**  
WESTERN DISTRICT OF KENTUCKY

**PRISONER APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND  
AFFIDAVIT**

\_\_\_\_\_, Plaintiff

v.

\_\_\_\_\_, Defendant(s)

CASE NUMBER: \_\_\_\_\_

I, \_\_\_\_\_, swear or affirm under penalty of perjury that I am the (check appropriate box)

petitioner/plaintiff/movant     other \_\_\_\_\_

in the above-named proceeding, that I am unable to pay the costs of these proceedings, and that I believe I am entitled to the relief sought in the complaint/petition/motion. I further swear or affirm under penalty of perjury under United States laws that my answers on this form and any attachments are true and correct.

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0" or "none," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name and the question number.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Print your Name: \_\_\_\_\_

1. State the place of your incarceration: \_\_\_\_\_  
Your prisoner identification number: \_\_\_\_\_
2. Are you currently employed at the jail/prison/correctional facility?     Yes     No  
Do you receive payment from the jail/prison/correctional facility?     Yes     No
3. Estimate the average amount of money received from each of the following sources during the past 12 months. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Amount received during the past 12 months	Amount expected to receive in the future
Employment/Self-employment	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____
Interest & dividends	\$ _____	\$ _____
Gifts or inheritance	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____

Income Source	Amount received during the past 12 months	Amount expected to receive in the future
Disability (such as social security, insurance payments)	\$ _____	\$ _____
Other (specify) _____	\$ _____	\$ _____
<b>Total Monthly Income</b>	<b>\$ _____</b>	<b>\$ _____</b>

4. How much cash do you have? \$ \_\_\_\_\_  
 State any money you have in any prison account, or in any checking or savings accounts, or in any other financial institution.

Where is the money? (include name of bank, savings & loan, prison account)	Type of Account	Amount You Have
a.		\$ _____
b.		\$ _____
c.		\$ _____

**NOTE: You *must* attach a statement certified by the appropriate prison or jail officer (see the last page of this document) showing all receipts, expenditures, and balances during the last six months in your prison or jail account(s).**

5. List the assets, and their values, which you own. Do not list clothing and ordinary household furnishings.

Asset	Description	Value
a. Stocks, bonds, securities or other financial instruments)		\$ _____
b. Other valuable property (for example, automobiles)		\$ _____

6. State every person, business, or organization owing you money, and the amount owed.

Who owes you money?	Amount owed to you
a.	\$ _____
b.	\$ _____
c.	\$ _____
d.	\$ _____

7. Do you expect any major changes to your income, or in your assets or liabilities during the next 12 months?

Yes  No

If yes, describe on an attached sheet.

8. Provide any other information that will help explain why you cannot, or cannot without undue hardship, pre-pay the fees or costs for this case.

\* \* \* \* \*

**CERTIFICATE**

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant named in the attached Application to Proceed Without Prepayment of Fees and Affidavit has the sum of \$ \_\_\_\_\_ on account to his/her credit at (name of institution)

\_\_\_\_\_. I further certify that the applicant has the following securities to his/her credit: \_\_\_\_\_.

I further certify that during the past six months the applicant's average balance was \$ \_\_\_\_\_, and the following statement of all receipts, expenditures, and balances during the last six months is true and correct.

Date: \_\_\_\_\_

Signature of Authorized Officer: \_\_\_\_\_

Printed Name: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN AND WESTERN DISTRICT OF KENTUCKY

**AMENDED**  
**NOTICE OF ELECTRONIC AVAILABILITY OF CIVIL CASE FILE INFORMATION**  
**(AMENDED TO COMPLY WITH THE AUGUST 2, 2004 AMENDMENTS**  
**TO THE E-GOVERNMENT ACT OF 2002)**

The United States District Courts for the Eastern and Western Districts of Kentucky are making the content of documents filed in electronic form or converted from a paper filing to electronic form available on the court's Internet web site via WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed or electronically converted documents. The clerk's office will not make available over the Internet electronic documents that have been sealed or otherwise restricted by court order.<sup>1</sup>

You should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. Any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal identifiers must be partially redacted from the document, whether it is filed on paper or electronically:

- A. **SOCIAL SECURITY NUMBERS.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- B. **NAMES OF MINOR CHILDREN.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- C. **DATES OF BIRTH.** If an individual's date of birth must be included in a document, only the year should be used.
- D. **FINANCIAL ACCOUNT NUMBERS.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, and as amended August 2, 2004, a party filing a document containing any of the personal data identifiers specified above may:

- (a) file an unredacted copy under seal. This document shall be retained by the court as part of the record. A redacted copy for the public record must be filed along with the unredacted document under seal. **OR**

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<sup>1</sup>Reference Electronic Case Filing Administrative Policies and Procedures for the Eastern and Western Districts of Kentucky

- (b) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record.

The Court recognizes that parties may need to include in the record a document containing information such as any personal identifying number such as a driver's license number; medical records, treatment and diagnosis; employment history; individual financial information; and proprietary or trade secret information. Technical and administrative procedures to effectuate the filing of these documents along with other important information can be found in the Court's Electronic Case Filing Administrative Policies and Procedures (Reference Number 15.2) and the User Manual. The Court's Electronic Case Filing Administrative Policies and Procedures and the Court's User Manuals are available through the Courts' web sites at [www.kywd.uscourts.gov](http://www.kywd.uscourts.gov) and [www.kyed.uscourts.gov](http://www.kyed.uscourts.gov), or can be obtained from any Division of the Court.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. It is the sole responsibility of counsel and the parties to be sure that all pleadings and other papers comply with the rules of this court requiring redaction of personal data identifiers. The clerk will not review each document for redaction.

Dated: 10/27/04