
Name

Prison Number

Place of Confinement

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

_____, Petitioner,)
(Full Name))

vs.)

_____, Respondent,)
(Name of Warden, Superintendent, jailor or)
authorized person having custody of petitioner))

and)

The Attorney General of the State of Nevada)

CASE NO. _____
(To be supplied by the Clerk)

**PETITION FOR A
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY
(NOT SENTENCED TO DEATH)**

-
1. Name and location of court, and name of judge, that entered the judgment of conviction you are challenging: _____.
 2. Full date judgment of conviction was entered: ____ / ____ / _____. (month/day/year)
 3. Did you appeal the conviction? ____ Yes ____ No. Date appeal decided: ____ / ____ / _____.
 4. Did you file a petition for post-conviction relief or petition for habeas corpus in the state court?
____ Yes ____ No. If yes, name the court and date the petition was filed: _____
_____. Did you appeal from the denial of the petition for
post-conviction relief or petition for writ of habeas corpus? ____ Yes ____ No. Date the appeal
was decided: ____ / ____ / _____. Have all of the grounds stated in this petition been presented to the
state supreme court? ____ Yes ____ No. If no, which grounds have not? _____
_____.
 5. Date you are mailing (or handing to correctional officer) this petition to this court: ____ / ____ / _____.
Attach to this petition a copy of all state court written decisions regarding this conviction.

6. Is this the first federal petition for writ of habeas corpus challenging this conviction? ☐ Yes ☐ No. If no, what was the prior case number? _____. And in what court was the prior action filed? _____.
- Was the prior action ☐ denied on the merits or ☐ dismissed for procedural reasons (check one). Date of decision: ____/____/____. Are any of the issues in this petition raised in the prior petition? ☐ Yes ☐ No. If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this successive petition? ☐ Yes ☐ No.
7. Do you have any petition, application, motion or appeal (or by any other means) now pending in any court regarding the conviction that you are challenging in this action? ☐ Yes ☐ No. If yes, state the name of the court and the nature of the proceedings: _____.
8. Case number of the judgment of conviction being challenged: _____.
9. Length and terms of sentence(s): _____.
10. Start date and projected release date: _____.
11. What was (were) the offense(s) for which you were convicted: _____.
12. What was your plea? ☐ Guilty ☐ Not Guilty ☐ Nolo Contendere. If you pleaded guilty or nolo contendere pursuant to a plea bargain, state the terms and conditions of the agreement: _____.
13. Who was the attorney that represented you in the proceedings in state court? Identify whether the attorney was appointed, retained, or whether you represented yourself *pro se* (without counsel).
- | | Name of Attorney | Appointed | Retained | <i>Pro se</i> |
|---------------------------------|------------------|-----------|----------|---------------|
| arraignment and plea | _____ | _____ | _____ | _____ |
| trial/guilty plea | _____ | _____ | _____ | _____ |
| sentencing | _____ | _____ | _____ | _____ |
| direct appeal | _____ | _____ | _____ | _____ |
| 1st post-conviction petition | _____ | _____ | _____ | _____ |
| appeal from post conviction | _____ | _____ | _____ | _____ |
| 2nd post-conviction petition | _____ | _____ | _____ | _____ |
| appeal from 2nd post-conviction | _____ | _____ | _____ | _____ |

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

GROUND 1

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my _____ Amendment right to _____, based on these facts:

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Exhaustion of state court remedies regarding Ground 1:

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

___ Yes ___ No. If no, explain why not: _____

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

___ Yes ___ No. If no, explain why not: _____

If yes, name of court: _____ date petition filed ___ / ___ / ____.

Did you receive an evidentiary hearing? ___ Yes ___ No. Did you appeal to the Nevada Supreme Court? ___ Yes ___ No. If no, explain why not: _____

If yes, did you raise this issue? ___ Yes ___ No. If no, explain why not: _____

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

___ Yes ___ No. If yes, explain why: _____

If yes, name of court: _____ date petition filed ___ / ___ / ____.

Did you receive an evidentiary hearing? ___ Yes ___ No. Did you appeal to the Nevada Supreme Court? ___ Yes ___ No. If no, explain why not: _____

If yes, did you raise this issue? ___ Yes ___ No. If no, explain why not: _____

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)? ___ Yes ___ No. If yes, explain: _____

State concisely every ground for which you claim that the state court conviction and/or sentence is

unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

GROUND 2

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my _____ Amendment right to _____, based on these facts:

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Exhaustion of state court remedies regarding Ground 2:

- ▶ **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

☐ Yes ☐ No. If no, explain why not: _____

_____.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

☐ Yes ☐ No. If no, explain why not: _____

_____.

If yes, name of court: _____ date petition filed ____ / ____ / ____.

Did you receive an evidentiary hearing? ☐ Yes ☐ No. Did you appeal to the Nevada Supreme Court? ☐ Yes ☐ No. If no, explain why not: _____

_____.

If yes, did you raise this issue? ☐ Yes ☐ No. If no, explain why not: _____

_____.

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

☐ Yes ☐ No. If yes, explain why: _____

_____.

If yes, name of court: _____ date petition filed ____ / ____ / ____.

Did you receive an evidentiary hearing? ☐ Yes ☐ No. Did you appeal to the Nevada Supreme Court? ☐ Yes ☐ No. If no, explain why not: _____

_____.

If yes, did you raise this issue? ☐ Yes ☐ No. If no, explain why not: _____

_____.

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)? ☐ Yes ☐ No. If yes, explain: _____

_____.

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two

extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

GROUND 3

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my _____ Amendment right to _____, based on these facts:

[illegible]

Exhaustion of state court remedies regarding Ground 3:

- **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

☐ Yes ☐ No. If no, explain why not: _____
_____.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

☐ Yes ☐ No. If no, explain why not: _____
_____.

If yes, name of court: _____ date petition filed ____ / ____ / ____.

Did you receive an evidentiary hearing? ☐ Yes ☐ No. Did you appeal to the Nevada Supreme Court? ☐ Yes ☐ No. If no, explain why not: _____
_____.

If yes, did you raise this issue? ☐ Yes ☐ No. If no, explain why not: _____
_____.

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

☐ Yes ☐ No. If yes, explain why: _____
_____.

If yes, name of court: _____ date petition filed ____ / ____ / ____.

Did you receive an evidentiary hearing? ☐ Yes ☐ No. Did you appeal to the Nevada Supreme Court? ☐ Yes ☐ No. If no, explain why not: _____
_____.

If yes, did you raise this issue? ☐ Yes ☐ No. If no, explain why not: _____
_____.

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)? ☐ Yes ☐ No. If yes, explain: _____
_____.

WHEREFORE, petitioner prays that the court will grant him such relief to which he is entitled in this federal petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 by a person in state custody.

(Name of person who wrote this
complaint if not Plaintiff)

(Signature of Plaintiff)

(Date)

(Signature of attorney, if any)

(Attorney's address & telephone number)

DECLARATION UNDER PENALTY OF PERJURY

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**
See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at _____ on _____.
(Location) (Date)

(Signature)

(Inmate prison number)