

**MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A
PERSON IN FEDERAL CUSTODY**

(Full name and prison number of movant)

IF THE MOVANT HAS A SENTENCE TO BE SERVED IN THE FUTURE UNDER A FEDERAL JUDGMENT WHICH HE WISHES TO ATTACK, HE SHOULD FILE A MOTION IN THE FEDERAL COURT WHICH ENTERED THE JUDGMENT.

2. Name and location of court which sentence was imposed and name of judge who imposed the sentence which is now under attack.

3. Date of judgment of conviction: _____
4. Case number: _____
5. Length of sentence: _____
6. Nature of offense involved (all counts): _____

7. What was your plea? (check one)
- (A) Not guilty ☐
- (B) Guilty ☐
- (C) Nolo Contendere ☐
8. Kind of trial: (check one)
- (A) Jury ☐
- (B) Judge only ☐
9. Did you testify at the trial?
Yes ☐ No ☐
10. Did you appeal from the judgment of conviction?
Yes ☐ No ☐
11. If you did appeal, answer the following:
- (A) Name of court _____
- (B) Result _____
- (C) Date of result _____
12. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?
Yes ☐ No ☐

13. If your answer to (12) was **“YES,”** give the following information:

- (A)
- (1) Name of court _____
 - (2) Nature of proceeding _____
 - (3) Grounds raised _____
 - (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☐
 - (5) Result _____
 - (6) Date of result _____

(B) As to any second petition, application or motion, give the same information:

- (1) Name of court _____
- (2) Nature of proceeding _____
- (3) Grounds raised _____
- (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☐
- (5) Result _____
- (6) Date of result _____

(C) As to any third petition, application or motion, give the same information:

- (1) Name of court _____
- (2) Nature of proceeding _____
- (3) Grounds raised _____
- (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☐
- (5) Result _____
- (6) Date of result _____

(D) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(3) Third petition, etc. Yes ☐ No ☐

(E) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

14. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: IF YOU FAIL TO SET FORTH ALL GROUNDS IN THIS MOTION, YOU MAY BE BARRED FROM PRESENTING ADDITIONAL GROUNDS AT A LATER DATE.

A. Ground one

Supporting FACTS: (Tell your story briefly without citing cases or law.)

B. Ground two _____

Supporting FACTS: (Tell your story briefly without citing cases or law.)

C. Ground three _____

Supporting FACTS: (Tell your story briefly without citing cases or law.)

D. Ground four _____

Supporting FACTS: (Tell your story briefly without citing cases or law.)

15. If any of the grounds listed in 14 A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them:

16. Do you have any petition or appeal now pending in any court as to the judgment under attack? Yes ☐ No ☐

(A) If **“YES,”** state the name of the court and the nature of the proceeding:

17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(A) At preliminary hearing _____

(B) At arraignment and plea _____

(C) At trial _____

(D) At sentencing _____

(E) On appeal _____

(F) In any post-conviction proceeding _____

(G) On appeal from any adverse ruling in a post-conviction proceeding _____

18. Were you sentenced on more than one count of an indictment, or more than one indictment, in the same court and at approximately the same time? Yes ☐ No ☐

19. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack? Yes ☐ No ☐

(A) If so, give the name and location of the court which imposed the sentence to be served in the future: _____

(B) And give the date and length of sentence to be served in the future: _____

WHEREFORE, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of attorney (if any)

Signature of Movant

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(date)

Signature of Movant