

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA

INSTRUCTIONS FOR FILING A 28 U.S.C. § 2254  
PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN CUSTODY  
PURSUANT TO A STATE COURT JUDGMENT

*Pro se § 2254 motions will not be considered by the Court unless this § 2254 form has been completed by the movant/petitioner as explained below.*

**Explanation and Instructions – Read Carefully**

1. Pro se § 2254 petitions will not be considered by the Court unless this § 2254 form has been completed by the petitioner as explained in these instructions.
2. The petition must be legibly handwritten or typewritten, and signed under penalty of perjury by the petitioner. Any false statement of a material fact may serve as the basis for prosecution for perjury. All questions must be answered concisely in the proper space on the form.
3. The petition must be accompanied by a \$5.00 filing fee or a completed form application to proceed in forma pauperis. If either your average account balance or the average monthly deposits into your account is \$25.00 or more, you will be unable to proceed in forma pauperis.
4. The petition must include all available grounds for relief and a summary of specific facts supporting each ground raised (claims not raised in this petition may be barred in the future, see item 7 below). Petitioner may submit additional pages if necessary to explain the facts, but must answer all questions in the proper space on the form itself. No legal argument or citation of authority is required in the petition. A separate memorandum of law may be submitted, but it may not exceed 25 pages in length absent prior leave of Court.
5. When the petition is completed, mail the original and two identical copies (including any exhibits) to the division office closest to the state court of conviction.

<u>Tallahassee Division</u> Clerk, U.S District Court 111 N. Adams St. Tallahassee, FL 32301-7717	<u>Gainesville Division</u> Clerk, U.S District Court 401 SE First Ave., Room 243 Gainesville, FL 32601	<u>Pensacola OR Panama City Division</u> Clerk, U.S District Court 1 N. Palafox St., Room 226 Pensacola, FL 32502-5658
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6. There is a one year period of limitations applicable to § 2254 petitions, see 28 U.S.C. § 2244(d).
7. If you previously filed a § 2254 petition challenging the same conviction or sentence, authorization for filing a second or successive § 2254 petition must be obtained from the Eleventh Circuit Court of Appeals. See 28 U.S.C. § 2244(b)(3). Authorization forms may be obtained from this court or the Eleventh Circuit.
8. After receiving notice of your case number from the Clerk, you **must** include the case number on all documents you submit to the Court. You must keep a copies of every document as you are not entitled to free replacement copies from the Clerk even if you are proceeding in forma pauperis. As long as your case is pending, it is your responsibility to **immediately** notify the Court and opposing counsel, in writing, of any change of address. Failure to do so could result in dismissal of your case.
9. The respondent is not required to respond to the petition unless ordered by the Court, and default is not appropriate in habeas corpus proceedings. Once the Court has ordered a response and counsel for respondent has appeared in the case, any documents sent to the Court must also be sent to counsel as reflected in a certificate of service showing the date that a copy was served or mailed. Failure to include a certificate of service may result in a document being returned to you without filing.