

\_\_\_\_\_  
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 | _____            | _____     | _____    | _____         |



▶ **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**



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**



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)