

**Petition for Relief From a Conviction or Sentence
By a Person in State Custody
(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)**

Instructions

1. To use this form, you must be currently serving a sentence under a judgment against you in a state court and you must be seeking relief from your conviction or sentence. This form is your petition for relief.
2. Your petition should be filed in this court if you were convicted in: Chatham, Durham, Lee, Orange, Person, Alamance, Caswell, Guilford, Randolph, Rockingham, Hoke, Montgomery, Richmond, Scotland, Cabarrus, Davidson, Davie, Rowan, Stanly, Forsyth, Stokes, Surry, or Yadkin County in North Carolina.
3. You should name as the respondent the authorized state officer having custody of you.
4. Challenges to convictions in other states or in other counties in North Carolina should be filed in the federal court for that state or that part of the state where you were convicted.
5. A petition may only challenge a single conviction, unless it was consolidated with another conviction into one judgment.
6. In this petition you may challenge the judgment by only one court. If you want to challenge a judgment entered by a different court (either in the same state or different state) you must file a separate petition.
7. If you have previously filed a petition for relief under Section 2254, you may not ordinarily file another petition regarding the same conviction until you receive permission from the Fourth Circuit Court of Appeals. Complete instructions, application forms and other information may be obtained by writing to: Circuit Clerk; U.S. Court of Appeals, Fourth Circuit, U.S. Courthouse Annex, Room 501, 1100 East Main Street, Richmond, VA 23219-2241.
8. All questions must be answered clearly and concisely. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
9. **CAUTION:** You must include in this petition all the grounds for relief from the conviction or sentence that you challenge. You must state the facts that support each ground. You are ordinarily allowed to file only one habeas petition. Second or successive petitions would require you to obtain permission before proceeding. Once you file this petition, you may be barred from presenting additional grounds at a later date, so be sure to set forth all of the grounds you want to raise.
10. You do not need to cite law. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum which is limited to 20 pages.

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11. Make sure the form is typed or neatly and legibly written with proper margins. All filings must include your original signature. If needed, you may attach additional pages. If the additional pages are typewritten, they must be double spaced. All filings must be submitted on paper sized 8 ½ x 11 inches. Do not use the back of any page.
12. You must pay a fee of \$5.00. If the present balance in your Trust Account equals or exceeds \$10.00, you should pay the \$5.00 filing fee at that time. If you do not have the funds to pay the \$5.00 filing fee, you may request permission to proceed *in forma pauperis* by completing this Court's Declaration and Request to Proceed *in forma pauperis* application.
13. Mail your original petition, two (2) copies (identical to the original), filing fee or *in forma pauperis* Application, and any other additional filings pertaining to the 2254 to the Clerk of the United States District Court at this address:

Clerk, U.S. District Court for the
Middle District of North Carolina
324 W. Market Street
Greensboro, NC 27401

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file stamp it and return it to you.

14. If at any time during the course of your case your address changes, you must immediately notify this court of your new address in writing or the action could be dismissed without notice to you.