

RULE 88.2 | POST CONVICTION, HABEAS CORPUS, AND CIVIL RIGHTS PROCEEDINGS

(a) The following petitions, motions, and complaints must substantially follow the forms, if any, prescribed by the Court and obtained from the Clerk of the Court upon request:

- (1) Petitions for writ of habeas corpus pursuant to 28 U.S.C. §2241 (common law habeas corpus),
- (2) Petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 (state prisoner attacking conviction),
- (3) Motions to Vacate pursuant to 28 U.S.C. §2255 (federal prisoner attacking conviction),
- (4) Civil rights complaints pursuant to 42 U.S.C. §1983 (Constitutional deprivation under color of state law),
- (5) Civil rights complaints pursuant to *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (Constitutional deprivation under color of federal law).

Each must be signed under penalty of perjury by petitioner/movant or by a person authorized to sign it for petitioner/movant and, together with filing fee, if any, shall be filed in the Clerk's Office and served according to Federal Rule of Civil Procedure 5.

(b) When a petition, motion to vacate, or complaint is submitted in forma pauperis, the petitioner/movant/plaintiff shall submit the form "Application to Proceed Without Prepayment of Fees and Affidavit," which may be obtained from the Clerk of the Court, or an affidavit which substantially follows the form, and shall, under oath, set forth information which establishes that he or she is unable to pay the fees and costs of the proceedings referenced above.

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2015.

Authority

(1993) Former Local Rule 18.

