

**Petition for Relief From a Prison Disciplinary Conviction
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 a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from a prison disciplinary sanction. This form is your petition for relief.
2. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.
3. Make sure the form is typed or neatly written.
4. 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.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. 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.
6. You must pay a fee of \$5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may ask to proceed in forma pauperis (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you. If your account exceeds \$___, you must pay the filing fee.
7. In this petition, you may challenge the judgment entered by only one Disciplinary hearing Board [DHB]. If you want to challenge a judgment entered by a different DHB you must file a separate petition.
8. When you have completed the form, send the original and two copies to the Clerk of the United States District Court at this address:

OFFICE OF CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
105 BIRCH BAYH BLDG &
UNITED STATE COURTHOUSE
46 EAST OHIO STREET
INDIANAPOLIS, INDIANA 46204

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
OFFICE OF CLERK
102 ROBERT GRANT FEDERAL BUILDING
204 SOUTH MAIN STREET
SOUTH BEND, INDIANA 46601-2194

9. CAUTION: You must include in this petition all the grounds for relief from the conviction and you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS
CORPUS BY A PERSON IN STATE CUSTODY SEEKING
REVIEW OF PRISON DISCIPLINARY SANCTION

United States District Court	District	
	Name	Prisoner No. Case No.

Place of Confinement _____

Name of Petitioner (include name under which convicted) Name of Respondent (Superintendent of the institution
having custody over petitioner)

v.

PETITION

1. Name and location of prison disciplinary body that determined guilt of conviction under attack: _____

2. Date of judgment of conviction: _____

3. Sanction(s) imposed: _____

4. Nature of all infractions (rule violations) involved: _____

5. What was your plea? (Check one)

- (a) Not Guilty
- (b) Guilty
- (c) Nolo contendere

6. If you pleaded not guilty, what kind of hearing did you have? (Check one)

- (a) Hearing Officer
- (b) Full Hearing

(c) Other Specify _____

7. Did you testify at the disciplinary hearing? Yes No

8. Did you appeal the decision of guilt and imposition of sanctions? Yes No

9. If you did appeal, answer the following:

a. Name and title of institutional reviewing authority: _____

b. Result of appeal: _____

c. Date of result: _____

d. Grounds raised: _____

e. If you sought review from any denial of your appeal from a high reviewing authority, answer the following:

i. Name and title of higher reviewing authority: _____

ii. Result of higher appeal: _____

iii. Date of result: _____

iv. Grounds raised: _____

10. Other than administrative appeals from the judgment of conviction and sanction(s), have you previously

filed any petitions, applications or motions with respect to this disciplinary sanction in any court, state or

federal? Yes No

11. If your answer to 10 was "yes," please 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, motion or application? Yes No

(5) Result: _____

(6) Date of result: _____

b. Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, motion or application? Yes No

12. If you did *not* appeal from any adverse action of any petition, motion or application, explain briefly why you did not:

12. 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 the same. **CAUTION:** *In order to proceed in federal court, you must ordinarily first exhaust all available administrative appellate remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.*

A. Ground one: _____

13. If any of the grounds listed in 12A, B, C and D were not previously presented in your administrative appeal, state *briefly* what grounds were not presented and give your reasons for not presenting them: _____

14. Do you have any petition, motion, application or appeal now pending in any court or before any administrative hearing body, either state or federal, as to the disciplinary action under attack?

Yes No

15. Give the name and prison identification number or title of any inmate or staff law advocate who represented you in the following stages of the disciplinary proceeding under attack:

a. Disciplinary hearing: _____

b. Institutional level appeal: _____

c. Higher level appeal: _____

WHEREFORE, petitioner prays that the Court grant petitioner the following relief _____

as well as any other relief to which the petitioner is entitled under law.

Signature of Petitioner

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

Executed on: _____
[Month] [Day] [Year]

Signature of Petitioner