## UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT

## APPLICATION FOR LEAVE TO FILE A SECOND OR SUCCESSIVE HABEAS CORPUS PETITION 28 U.S.C. § 2244(b) BY A PRISONER IN STATE CUSTODY

Name	Prisoner Number
Institu	tion
	Address
City _	State Zip Code
	InstructionsRead Carefully
(1)	This application must be legibly handwritten or typewritten and signed by the applicant under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.
(2)	All questions must be answered concisely in the proper space on the form.
(3)	The Judicial Conference of the United States has adopted the 8½ x 11 inch paper size for use throughout the federal judiciary and directed the elimination of the use of legal size paper. All pleadings must be on 8½ x 11 inch paper, otherwise we cannot accept them.
(4)	All applicants seeking leave to file a second or successive petition are required to use this form, except in capital cases. In capital cases only, the use of this form is optional.
(5)	Additional pages are not permitted except with respect to additional grounds for relief and facts which you rely upon to support those grounds. DO NOT SUBMIT SEPARATE PETITIONS, MOTIONS, BRIEFS, ARGUMENTS, ETC., EXCEPT IN CAPITAL

CASES.

- (6) In accordance with the "Antiterrorism and Effective Death Penalty Act of 1996," as codified at 28 U.S.C. § 2244(b), effective April 24, 1996, before leave to file a second or successive petition can be granted by the United States Court of Appeals, it is the applicant's burden to make a prima facie showing that he satisfies either of the two conditions stated below and in 28 U.S.C. § 2244(b).
  - (b)(1) a claim presented in a second or successive habeas corpus application under [28 U.S.C.] section 2254 that was presented in a prior application shall be dismissed.
  - (2) a claim presented in a second or successive habeas corpus application under [28 U.S.C.] section 2254 that was not presented in a prior application shall be dismissed unless—
    - (A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or
    - (B)(I) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and
    - (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.
- (7) When this application is fully completed, the original and three copies must be mailed to:

Clerk of Court United States Court of Appeals for the Eleventh Circuit 56 Forsyth Street, N.W. Atlanta, Georgia 30303

APPLICATIO	N

(a)	Name and location of court which entered the judgment of conviction under attack
(b)	Case number
Date	of judgment of conviction
Leng	gth of sentence Sentencing Judge
Natu	are of offense or offenses for which you were convicted:
in ar (a) N (b) C	e you ever filed a post-conviction petition, application, or motion for collateral relief by federal court related to this conviction and sentence?  Yes () No () If "yes", how many times? (if more than one, complete 6 and 7 below as necessary)  Name of court Case number  Nature of proceeding
(d) (	Grounds raised (list <u>all</u> grounds; use extra pages if necessary)
	Did you receive an evidentiary hearing on your petition, application, or motion?  Yes ( ) No ( )
	Date of result
As to	o any second federal petition, application, or motion, give the same information:  Name of court  Case number

(d) Grounds raised (list <u>all</u> grounds; use extra pages if necessary)
(e) Did you receive an evidentiary hearing on your petition, application, or motion?  Yes ( ) No ( )
(f) Result
As to any third federal petition, application, or motion, give the same information:
(a) Name of court
(b) Case number
(d) Grounds raised (list <u>all</u> grounds; use extra pages if necessary)
(e) Did you receive an evidentiary hearing on your petition, application, or motion?  Yes ( ) No ( )  (f) Result
(g) Date of result
Did you appeal the result of any action taken on your federal petition, application motion? (Use extra pages to reflect additional petitions if necessary)
(1) First petition, etc. No ( ) Yes ( ) Appeal No
(3) Third petition, etc. No ( ) Yes ( ) Appeal No.
If you did <u>not</u> appeal from the adverse action on any petition, application, or mot explain briefly why you did not:

Sulli	e <u>concisely</u> every ground on which you <u>now</u> claim that you are being held unlawfully marize <u>briefly</u> the <u>facts</u> supporting each ground.
A.	Ground one:
	Supporting FACTS (tell your story briefly without citing cases or law):
	Was this claim raised in a prior federal petition, application, or motion?  Yes ( ) No ( )
	Does this claim rely on a "new rule of law?" Yes ( ) No ( ) If "yes," state the new rule of law (give case name and citation):
	Does this claim rely on "newly discovered evidence?" Yes ( ) No ( ) If "yes," briefly state the newly discovered evidence, and why it was no previously available to you
B.	Ground two:

Was this claim raised in a prior federal petition, application, or motion?  Yes ( ) No ( )  Does this claim rely on a "new rule of law?" Yes ( ) No ( )  If "yes," state the new rule of law (give case name and citation):  Does this claim rely on "newly discovered evidence?" Yes ( ) No ( )  If "yes," briefly state the newly discovered evidence, and why it was not previously available to you  [Additional grounds may be asserted on extra pages if necessary]  Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes ( ) No ( )  If yes, name of court		Supporting FACTS (tell	your story briefly	without citing cases or law):
Does this claim rely on a "new rule of law?" Yes () No () If "yes," state the new rule of law (give case name and citation):  Does this claim rely on "newly discovered evidence?" Yes () No () If "yes," briefly state the newly discovered evidence, and why it was n previously available to you  [Additional grounds may be asserted on extra pages if necessary]  Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes () No () If yes, name of court				
Does this claim rely on a "new rule of law?" Yes () No () If "yes," state the new rule of law (give case name and citation):  Does this claim rely on "newly discovered evidence?" Yes () No () If "yes," briefly state the newly discovered evidence, and why it was n previously available to you  [Additional grounds may be asserted on extra pages if necessary]  Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes () No () If yes, name of court				
Does this claim rely on "newly discovered evidence?" Yes ( ) No ( ) If "yes," briefly state the newly discovered evidence, and why it was n previously available to you  [Additional grounds may be asserted on extra pages if necessary]  11. Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes ( ) No ( )  If yes, name of court			•	tition, application, or motion?
[Additional grounds may be asserted on extra pages if necessary]  1. Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes() No()  If yes, name of court				
Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes ( ) No ( )  If yes, name of court		If "yes," briefly state	the newly discov	vered evidence, and why it was no
Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes ( ) No ( )  If yes, name of court				
Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes ( ) No ( )  If yes, name of court				
Do you have any motion or appeal now pending in any court as to the judgment now und attack? Yes ( ) No ( )  If yes, name of court				
attack? Yes ( ) No ( )  If yes, name of court	1 Dox	_		
	attac	k? Yes ( ) No ( )		
	II ye	s, name of court		case number
P8 U.S.C. § 2244(b) Application Page 6 Revised: 1/02/0			Page 6	Revised: 1/02/01

		Applicant's Signature
I declare under Penalty of and correct.	Perjury that my an	swers to all the questions in this Application are true
Executed on	date]	
		Applicant's Signature
	Proo	F OF SERVICE
Applicant must send a co state in which applicant v	1 4	on and all attachments to the attorney general of the
state in which applicant v  I certify that on	was convicted.  [date]	on and all attachments to the attorney general of the, I mailed a copy of this Application* and all
state in which applicant v  I certify that on	was convicted.  [date]	, I mailed a copy of this Application* and all
I certify that onattachments to	was convicted.  [date]	, I mailed a copy of this Application* and all

Revised: 1/02/01

forth the date of deposit and stating that first-class postage has been prepaid."