

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**PRELIMINARY INFORMAL BRIEF  
FOR HABEAS AND SECTION 2255 CASES**

**RE:**

**Directions**

1. **Preparation of Brief.** The Court will consider this case according to the written issues, facts, and arguments appellant presents in the Brief. The Court will review the brief in determining whether to grant a certificate of appealability. If a certificate of appealability is granted, the Brief may also serve as appellant's opening brief on the merits of the appeal. Space is provided to present up to four issues, but more issues may be presented as necessary. The Court will not consider issues appellant does not specifically raise. Be brief. Write clearly. Print legibly or use a typewriter. Any documents you attach to the form must be numbered sequentially.

2. **Copies required.**

- \* Send the Court the original and one copy of this Brief. If you would like a file-stamped copy of your Brief returned to you, send an extra copy and a self-addressed stamped envelope. Address your mailing as follows:

Clerk  
U.S. Court of Appeals, Fourth Circuit  
U.S. Courthouse Annex, 5th Floor  
1100 East Main Street  
Richmond, VA 23219

- \* Send one copy of your Brief to each of the parties named in the appeal.

3. **Certificate of Service Required.** You must certify that you sent each of the other parties or attorneys complete copies of all documents you send the Court. Service on a party represented by counsel shall be made on counsel. Be certain that your certification shows the complete name and mailing address of each party or attorney to whom copies were sent and the date of mailing.

4. **Signature Required.** You must sign your Informal Brief and all Certificates of Service. If appellant fails to sign the Informal Brief, the appeal will be subject to dismissal under this Court's Local Rule 45.

**PRELIMINARY INFORMAL BRIEF FOR HABEAS AND SECTION 2255 CASES**

1. **Jurisdiction**

A. What is the name of the court from which you are appealing?

B. What is the date(s) of the order or orders you are appealing?

2. **Timeliness of appeal (for prisoners)**

When did you give your notice of appeal to a prison officer for mailing to the United States District Court? Enter the exact date:

3. **Certificate of Appealability**

Did the district court grant a certificate of appealability?

Yes       No

If Yes, do you want the Court of Appeals to review additional issues that were not certified for review by the district court?

Yes       No

If Yes, **you must** list below the issues you wish to add to the certificate of appealability issued by the district court. If you do not list additional issues, the Court will limit its review to those issues on which the district court granted the certificate.

4. **Issues on Appeal**

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court to consider on appeal. You must include any issue you wish the Court to consider, regardless of whether the district court granted a certificate of appealability as to that issue. You may cite case law, but it is not required.

**Issue 1.**

**Supporting Facts and Argument.**

**Issue 2.**

**Supporting Facts and Argument.**

**Issue 3.**

**Supporting Facts and Argument.**

**Issue 4.**

**Supporting Facts and Argument**

5. **Relief Requested**

What do you want the Court of Appeals to do? Identify exactly the relief you seek.

6. **Prior appeals (for appellants only)**

- A. Have you filed other appeals in this court? \_\_\_\_\_Yes \_\_\_\_\_No
- B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

\_\_\_\_\_  
Signature  
[Notarization Not Required]

\_\_\_\_\_  
[Please Print Your Name Here]

**CERTIFICATE OF SERVICE**

\*\*\*\*\*

I certify that on \_\_\_\_\_ I mailed a complete copy of this Informal Brief and all attachments to all parties, addressed as shown below.

\_\_\_\_\_  
Signature  
[Notarization Not Required]

[List here each party's name and complete mailing address]