

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DIRECTIONS FOR INFORMAL BRIEFS FOR HABEAS & 2255 APPEALS

1. **Preparation of Brief.** The Court will consider this case according to the written issues, facts, and arguments presented in the Informal Briefs. The Court will review the Informal Opening Brief in determining whether to grant a certificate of appealability. If a certificate of appealability is granted, the Informal Opening Brief will serve as appellant's opening brief on the merits of the appeal if appellant is proceeding pro se. If appellant is represented by counsel, a formal briefing schedule will be established upon the granting of a certificate of appealability. Space is provided to present up to four issues. Additional issues may be presented by attaching additional sheets. The Court will not consider issues that are not specifically raised in the Informal Briefs. Informal Briefs must be legible and concise, and any attached pages must be sequentially numbered. Informal Briefs may be filed on the form provided or in memorandum or formal briefing format.

2. **Copies required.**

- * File the original of the Informal Brief with the Court. If you would like a file-stamped copy returned, send an extra copy and a self-addressed stamped envelope. The Court's address is:

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 the Informal Brief to each of the parties in the case.

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.

4. **Signature Required.** You must sign your Informal Brief and all Certificates of Service. If the Informal Opening Brief is not signed, the case will be subject to dismissal under this Court's Local Rule 45.

DOCUMENTS ARE SCANNED INTO ELECTRONIC FORM AND POSTED TO THE DOCKET. DO NOT USE STAPLES, TAPE OR BINDING.

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

INFORMAL BRIEF FOR HABEAS AND SECTION 2255 CASES

Re:

1. **Declaration of Inmate Filing** (for inmates relying on deposit of notice of appeal in institution's internal mail system to establish timeliness of notice of appeal)
An inmate's notice of appeal is timely if it was deposited in the institution's internal mail system, with postage prepaid, on or before the last day for filing. Timely filing may be shown by:
- a postmark or date stamp showing that the notice of appeal was timely deposited in the institution's internal mail system, with postage prepaid, or
 - a declaration of the inmate, under penalty of perjury, of the date on which the notice of appeal was deposited in the institution's internal mail system with postage prepaid. To include a declaration of inmate filing as part of your informal brief, complete and sign the declaration below:

Declaration of Inmate Filing

I am an inmate confined in an institution. I deposited my notice of appeal in the institution's internal mail system on _____ [insert date]. First-class postage is being prepaid either by me or by the institution on my behalf.

I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

Signature: _____ Date: _____

2. **Jurisdiction**
Name of the court or agency from which you are appealing:

Dates of the order or orders for which review is sought:

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 citations are 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**

Identify the precise action you want the Court of Appeals to take:

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 served a copy of this Informal Brief on all parties, addressed as shown below:

Signature

NO STAPLES, TAPE OR BINDING PLEASE