## 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	
Institution		
Street Address		
City	State	Zip Code

## INSTRUCTIONS-READ 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 applicants seeking leave to file a second or successive petition should use this form. In capital cases, the use of this form is optional.
- (3) All questions must be answered concisely in the proper space on the form.
- (4) Additional pages are not permitted except with respect to identifying additional grounds for relief and facts on which you rely to support those grounds. To raise any additional claims, use the "Additional Claim" pages attached at the end of this application, which may be copied as necessary. DO NOT SUBMIT SEPARATE PETITIONS, MOTIONS, BRIEFS, ARGUMENTS, ETC., EXCEPT IN CAPITAL CASES.

- 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 satisfies the conditions in 28 U.S.C. § 2244(b), stated below.
  - (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.
- (6) 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

	APPLICATION
(a)	Identify the court which entered the judgment of conviction being challenged:
(b)	Case number
Date	of judgment of conviction
Leng	th of sentence Sentencing Judge
List a	all offenses for which you were convicted in the case identified above:
	e you ever filed a post-conviction petition, application, or motion for collateral relief rederal court related to this conviction and sentence?
	ederal court related to this conviction and sentence?
any f	Yes ( ) No ( ) If "yes," how many times? (if more than one
any fo (a) N	Yes() No() If "yes," how many times?(if more than one complete 6 and 7 below as necessary) (if more than one complete 6 and 7 below as necessary)
any f (a) N (b) C	Yes() No() If "yes," how many times? (if more than on complete 6 and 7 below as necessary)  ame of court
(a) N (b) C (c) N	Yes() No() If "yes," how many times? (if more than on complete 6 and 7 below as necessary)  ame of court (ase number
(a) N (b) C (c) N	Yes() No() If "yes," how many times? (if more than one complete 6 and 7 below as necessary)  ame of court  ase number  fature of proceeding

(2)	Did was manisa an anidantiam baning an assumentition annihoation annation
(e)	Did you receive an evidentiary hearing on your petition, application, or motion?
<b>(6)</b>	Yes ( ) No ( )
(1)	Result
(g)	Date of result
Λ α	to any second federal notition, application, or motion, give the same information
	to any second federal petition, application, or motion, give the same information
	Name of court
	Case number
(c)	Nature of proceeding

(e) Did you receive an evidentiary hearing on your petition, application, or motion
Yes ( ) No ( )
(f) Result
(g) Date of result
As to sure third follows motiving annulisation on motion size the same information
As to any third federal petition, application, or motion, give the same information:
(a) Name of court

(d) Grou	ands raised (list <u>all</u> grounds; use extra pages if necessary)
(e) Did	you receive an evidentiary hearing on your motion? Yes ( ) No ( )
	It
()	

(Use	extra pages to reflect addition	nal motions if necessary)
	(1) First petition, etc.	No ( ) Yes ( ) Appeal No.
	(2) Second petition etc.	No ( ) Yes ( ) Appeal No
	(3) Third petition, etc.	No ( ) Yes ( ) Appeal No.
-	u did <u>not</u> appeal from the adve ly why you did not:	erse action on any petition, application, or motion, e
State	concisely every ground on v	which you now claim that you are being held unlay
Sumi	marize briefly the facts support	which you <u>now</u> claim that you are being held unlaw orting each ground.
	marize briefly the facts support	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.
Sumi	marize <u>briefly</u> the <u>facts</u> suppo	orting each ground.

•	
-	
•	
-	
•	
-	
	Was this claim raised in a prior federal petition, motion, or application for lefile a second or successive habeas petition? Yes $()$ No $()$
	Does this claim rely on a "new rule of constitutional law"? Yes ( ) No (
	If "yes," state the new rule of constitutional law (give case name and citation
•	

Does this claim rely on newly discovered evidence? Yes ( ) No ( )
If "yes," briefly state the newly discovered evidence, why it was not previously available to you through the exercise of due diligence, and how it establishes by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found you guilty of the offense.

В.	Ground two:
	Supporting FACTS (tell your story briefly without citing cases or law):

Was this claim raised in a prior federal petition, motion, or application for leave file a second or successive habeas petition? Yes() No()  Does this claim rely on a "new rule of constitutional law"? Yes() No()  If "yes," state the new rule of constitutional law (give case name and citation):  Does this claim rely on newly discovered evidence? Yes() No()  If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by cleand convincing evidence that, but for constitutional error, no reasonable factfind would have found you guilty of the offense.		
file a second or successive habeas petition? Yes () No ()  Does this claim rely on a "new rule of constitutional law"? Yes () No ()  If "yes," state the new rule of constitutional law (give case name and citation):  Does this claim rely on newly discovered evidence? Yes () No ()  If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by cleand convincing evidence that, but for constitutional error, no reasonable factfined.		
If "yes," state the new rule of constitutional law (give case name and citation):  Does this claim rely on newly discovered evidence? Yes() No()  If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by cleand convincing evidence that, but for constitutional error, no reasonable factfine		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Does this claim rely on newly discovered evidence? Yes() No()  If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by cleand convincing evidence that, but for constitutional error, no reasonable factfind	Does this clai	m rely on a "new rule of constitutional law"? Yes ( ) No ( )
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind	If "yes," state	the new rule of constitutional law (give case name and citation):
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind		
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by clean dconvincing evidence that, but for constitutional error, no reasonable factfind	Does this clai	m rely on newly discovered evidence? Yes ( ) No ( )
	If "yes," brief available to you and convincing	fly state the newly discovered evidence, why it was not previous but through the exercise of due diligence, and how it establishes by class evidence that, but for constitutional error, no reasonable factfin

~	
C.	Ground three:
	Supporting FACTS (tell your story briefly without citing cases or law):

Was this claim raised in a prior federal petition, motion, or application for l file a second or successive habeas petition? Yes ( ) No ( )
Does this claim rely on a "new rule of constitutional law"? Yes ( ) No
If "yes," state the new rule of constitutional law (give case name and citatio

Does this claim rely on newly discovered evidence? Yes ( ) No ( )
If "yes," briefly state the newly discovered evidence, why it was not previous available to you through the exercise of due diligence, and how it establishes by claim and convincing evidence that, but for constitutional error, no reasonable factfin would have found you guilty of the offense.

Page 14

	CHECK HERE IF ADDITI	ONAL CLAIM PAGES ARE ATTACHED.				
11.	Do you have any motion, petition, application, or appeal now pending in any court as to the judgment now being challenged? Yes ( ) No ( )					
	If "yes," name of court	Case number				
	Writ of Habeas Corpus under 28 U	ourt to Consider Applicant's Second or Successive Petition S.S.C. § 2254.				
I decl	Writ of Habeas Corpus under 28 U lare under Penalty of Perjury that morrect.	Applicant's Signature				
I decl	Writ of Habeas Corpus under 28 Ulare under Penalty of Perjury that morrect.  uted on	Applicant's Signature				
I decl	Writ of Habeas Corpus under 28 U lare under Penalty of Perjury that morrect.	Applicant's Signature				
I decl	Writ of Habeas Corpus under 28 Ulare under Penalty of Perjury that morrect.  uted on	S.C. § 2254.				
I decl	Writ of Habeas Corpus under 28 Ulare under Penalty of Perjury that morrect.  uted on	Applicant's Signature  any answers to all the questions in this Application are true				

PROOF OF SERVICE

Applicant must send a copy of this application which applicant was convicted.	ion and all attachments to the attorney general of the state
I certify that on	, I mailed a copy of this Application* and
[date]	
all attachments to	
at the following address:	
	Applicant's Signature

<sup>\*</sup> Pursuant to Fed. R. App. P. 25(a)(2)(C), "If an institution has a system designed for legal mail, an inmate confined there must use that system to receive the benefit of this Rule 25(a)(2)(C). A paper filed by an inmate is timely if it is deposited in the institution's internal mail system on or before the last day for filing and:
(i) it is accompanied by:

<sup>•</sup> a declaration in compliance with 28 U.S.C. § 1746—or a notarized statement—setting out the date of deposit and stating that first-class postage is being prepaid; or

<sup>•</sup> evidence (such as a postmark or date stamp) showing that the paper was so deposited and that postage was prepaid; or

<sup>(</sup>ii) the court of appeals exercises its discretion to permit the later filing of a declaration or notarized statement that satisfies Rule 25(a)(2)(C)(i)."

## **ADDITIONAL CLAIM** Ground : Supporting FACTS (tell your story briefly without citing cases or law): Was this claim raised in a prior federal petition, motion, or application for leave to file a second or successive habeas petition? Yes ( ) No ( ) Does this claim rely on a "new rule of constitutional law"? Yes ( ) No ( ) If "yes," state the new rule of constitutional law (give case name and citation): 28 U.S.C. § 2244(b) Application (Continue to Page 2 to complete this claim)

Does this cl	aim rely on new	ly discovered	evidence?	Yes ( ) No (	)	
hrough the	exercise of due	diligence, and	how it establ	ishes by clear ar	previously avail nd convincing ev d you guilty of th	idence that