

NON-CAPITAL CASE HABEAS PETITIONS (STATE CUSTODY)

- (a) All petitions for a writ of habeas corpus in non-capital cases filed pursuant to 28 U.S.C. § 2254 must be subject to the provisions of this rule unless otherwise ordered by the Court.
- (b) The petition must be in writing, and if presented pro se, the petition must be upon the form and in accordance with the instructions approved by the Court. Copies of the forms and instructions will be supplied by the Clerk of Court upon request.
- (c) All petitions for writ of habeas corpus will be subject to an initial review by the Court pursuant to Rule 4 of the Rules Governing § 2254 Cases. Petitions accompanied by an application to proceed *0* are also subject to the initial review provisions of 28 U.S.C. § 1915.
- (d) Upon completion of the initial review of the petition, the Court may summarily dismiss the petition, or it may direct the Clerk of Court to serve the appropriate respondent with the petition or motion, together with a copy of the Court's order requiring the respondent to file an answer, pre-answer motion, or other briefing in response to the initial review order and to file those portions of the records as may be ordered by the Court, within a time period fixed by the Court.
- (e) If the petitioner had previously filed a petition for relief or for a stay of enforcement in the same matter in this Court, then, where practicable the new petition must be assigned to the judge who considered the prior matter.
- (f) If relief is granted on the petition of a state prisoner, the Clerk of Court must forthwith notify the state authority having jurisdiction over the prisoner of the action taken.

RELATED AUTHORITY

28 U.S.C. §§ 1915, 2241-2254
Rules Governing Section 2254
Cases in U.S. District Courts
