

**UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT
FACT SHEET FOR MOTION TO VACATE APPEALS (§2255)**

6th Cir. R. 28(c) requires that counsel for the appellant and for the appellee file a one-page fact sheet in all motion to vacate §2255 appeals. The fact sheet should be the same size as the pages in the brief. It should be placed in the briefs of the parties immediately following the table of contents and preceding the statement of issues presented for review. Use this form, 6CA-58.

Case Name and Number:

Person Reporting:

1.a. Did the petitioner directly appeal his conviction to this Court?
() Yes () No

If "no," explain why there was no direct appeal:

b. If there was a direct appeal, were the present issues raised in that appeal? () Yes () No

2. Constitutional violation claims (name constitutional provision and briefly recite facts asserted as violative and cite to the district court record entry pages to proofs thereof):

a.

b.

c.

d.

3. Are there fact disputes concerning claims?
() Yes () No

If "yes," were they resolved by the District Court

() at a hearing?

() by review of the state court record?

() by reference to a Magistrate?

4. Does the United States argue that any constitution violations, if found, were harmless beyond reasonable doubt?

() Yes () No

If "yes," briefly state why and cite to the district court record entry pages claimed as proof.