

RULE CV-3. COMMENCEMENT OF ACTION

(a) **Civil Cover Sheet.** The clerk is authorized and instructed to require a complete and executed AO Form JS 44, Civil Cover Sheet, which shall accompany each civil case to be filed. If the filing of a civil case is not accompanied by a complete and executed Civil Cover Sheet, the clerk must accept the case for filing, but must promptly inform the filing party that the filing party must complete and execute the Civil Cover Sheet. If the filing party fails to do so not later than 7 days after being informed, the clerk must so advise the court. An unrepresented person who files a civil case or a person who, when filing a civil case, is in the custody of a civil, state or federal institution, need not complete and execute the Civil Cover Sheet. All parties are required to advise the court of any related cases, through means of the Civil Cover Sheet or otherwise.

(b) **Habeas Corpus and Motions Pursuant to 28 U.S.C. § 2255.**

(1) Petitions for writ of habeas corpus and motions filed pursuant to 28 U.S.C. § 2255 by persons in custody shall be in writing, signed, and verified.

(2) Such petitions and motions shall be made on forms supplied by the court or set forth in detail all the information requested in the court's forms.

(3) The petition or motion must be filed with the clerk's office in the proper division.

(4) If any issue is raised in a habeas corpus petition that was not raised or has not been fully exhausted in state court, the petition shall state the reasons why such action has not been taken.

(5) If the same petitioner or movant has previously filed in this court a petition for habeas corpus relief or a motion pursuant to 28 U.S.C. § 2255 challenging the same state court judgment or federal sentence, the case shall be assigned to the judge who considered the prior matter.

(6) A second or successive petition for habeas corpus relief or motion for relief pursuant to 28 U.S.C. § 2255 will be dismissed without prejudice unless accompanied by a certificate issued by a panel of the Fifth Circuit.

(7) This court's opinion in any such action shall separately state each issue raised by the habeas corpus petition or motion pursuant to 28 U.S.C. § 2255 and rule expressly on each issue, stating the reasons for each ruling made.

(8) If a certificate of appealability is issued by this court in a death penalty case with a pending execution date, the court shall, upon request, grant a stay of execution to continue until such time as the court of appeals expressly acts with reference to the case.

(c) Motions to Stay Execution of State Court Judgments.

(1) A petitioner or plaintiff who seeks a stay of enforcement or execution of a state court judgment or order shall attach to the motion requesting the stay a copy of each state court judgment that the petitioner or plaintiff seeks to have stayed.

(2) The motion for stay of execution or stay of enforcement must state whether the same petitioner or plaintiff has previously sought relief arising out of the same matter from this court or from any other federal court. The reasons for denying relief given by any court that has considered the matter, including any written opinion issued by said court, must also be attached to the motion for stay of execution or enforcement. If reasons for the ruling were not given in a written opinion, a copy of the relevant portions of the transcripts must be supplied to this court.

(3) A motion for stay of execution filed on behalf of a petitioner challenging a sentence of death must be filed at least 7 days before the petitioner's scheduled execution date or recite good cause for any late filing.

(4) If the same petitioner or plaintiff has previously filed in this court a motion for stay of execution or enforcement of the same state court judgment challenged in the petitioner's or plaintiff's motion for stay, the case shall be assigned to the judge who considered the prior matter.