

### Section 2255 Checklist

- Is the conviction or recidivist sentencing enhancement negated by Supreme Court or Circuit decision?
- Is the 2255 petition an initial petition – not a successor?
- Is the claim cognizable?
- Is the Supreme Court or Circuit decision upon which claim is based retroactive on collateral review?
- Is the claim timely under the AEDPA statute of limitations provision (28 U.S.C. § 2255(f))?
- If not timely, does equitable tolling excuse the statute of limitations?
- If no equitable tolling, does actual innocence excuse the statute of limitations?
- Did your client procedurally default his claim?
- Is procedural default excused by cause and prejudice?
- Is procedural default excused by actual innocence?
- If district court denies petition, how do you appeal?