

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 19, 2016

Elisabeth A. Shumaker
Clerk of Court

In re: PAUL INMAN,

Petitioner.

No. 16-1157
(D.C. No. 1:01-cv-00998-RPM)
(D. Colo.)

ORDER

Before **KELLY, EBEL**, and **HOLMES**, Circuit Judges.

Paul Inman, a Colorado prisoner proceeding pro se, moves for authorization to file a second or successive 28 U.S.C. § 2254 habeas application. Mr. Inman claims that his consecutive 40-year and 30-year sentences violate the Ex Post Facto Clause and therefore he is factually innocent of his sentences. We deny authorization.

This court may authorize a second or successive habeas application only in limited circumstances. To obtain authorization, a movant must make a prima facie showing that his claims rely on (A) “a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable,” or (B) new facts that “could not have been discovered previously through the exercise of due diligence” and that “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.” 28 U.S.C. § 2244(b)(2)(A), (B), (b)(3)(C). But Mr. Inman identifies neither a

new rule of law or newly discovered evidence, and in fact admits that his claims do not rely on either test. Mot. for Auth. at 9. Thus, there are no grounds to authorize the filing of his proposed habeas application.

The motion for authorization is denied. This denial of authorization “shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.” 28 U.S.C. § 2244(b)(3)(E).

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish line.

ELISABETH A. SHUMAKER, Clerk