

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 1, 2022

Christopher M. Wolpert
Clerk of Court

In re: ANDRE J. TWITTY,

Movant.

No. 22-1398
(D.C. Nos. 1:22-CV-00393-RBJ &
1:19-CR-00344-RBJ-1)
(D. Colo.)

ORDER

Before **MATHESON**, **BRISCOE**, and **MORITZ**, Circuit Judges.

Andre J. Twitty, proceeding pro se, seeks authorization to file a second or successive 28 U.S.C. § 2255 motion. A month prior to filing this current motion, Mr. Twitty sought authorization based on this court’s decision in *United States v. Harris*, 10 F.4th 1005 (10th Cir. 2021). *See In re Twitty*, No. 22-1341, Order at 2 (10th Cir. Oct. 17, 2022). We denied authorization because he failed to make a prima facie showing that he could meet the authorization requirement in § 2255(h)(2). *See id.*

Mr. Twitty again seeks authorization based on *Harris*. *See* Mot. for Auth. at 9, 10. But he again fails to make a prima facie showing he can meet the standard for authorization in § 2255(h)(2), which requires him to show his successive claims rely on “a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.” Accordingly, we deny authorization. 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). We grant Mr. Twitty’s motion to supplement.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk