

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 23, 2024

Christopher M. Wolpert
Clerk of Court

In re: KEITH D. HAMMOCK,

Movant.

No. 24-1404
(D.C. No. 1:24-CV-02714-LTB-RTG)
(D. Colo.)

ORDER

Before **McHUGH, KELLY**, and **EID**, Circuit Judges.

A Colorado jury convicted Keith D. Hammock of second-degree murder and other crimes. Mr. Hammock has already challenged the convictions in a 28 U.S.C. § 2254 habeas application. He now moves for authorization to file another § 2254 application.¹

We may authorize him to file another habeas “claim only if it falls within one of two narrow categories—roughly speaking, if it relies on a new and retroactive rule of constitutional law or if it alleges previously undiscoverable facts that would establish his innocence.” *Banister v. Davis*, 590 U.S. 504, 509 (2020); *see* 28 U.S.C. § 2244(b)(2).

Mr. Hammock has not shown his new claims fit either category: He does not identify a new rule of law supporting his claims or any new evidence relevant to his innocence.

¹ Mr. Hammock’s motion purports to seek authorization to file a 28 U.S.C. § 2241 habeas application. But our authorization is not required for applications properly brought under § 2241. *See Stanko v. Davis*, 617 F.3d 1262, 1269 n.5 (10th Cir. 2010). So we construe the motion as one seeking authorization to file another § 2254 application.

We deny Mr. Hammock's motion for authorization to file another § 2254 application. This denial "shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari." § 2244(b)(3)(E).

Entered for the Court

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

CHRISTOPHER M. WOLPERT, Clerk