

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 15, 2024

Christopher M. Wolpert
Clerk of Court

In re: DESIRAY J. ALLEN,

Movant.

No. 24-6200

ORDER

Before **TYMKOVICH, CARSON**, and **ROSSMAN**, Circuit Judges.

In 2023, an Oklahoma court convicted Desiray J. Allen of possessing a firearm after having been convicted of a felony. The Oklahoma Court of Criminal Appeals recently affirmed his conviction and sentence.

Mr. Allen has filed a motion seeking our authorization to file a second or successive 28 U.S.C. § 2254 habeas application challenging his felon-in-possession conviction. Yet he tells us he has never filed a *first* habeas application challenging the conviction, and our records search uncovered no sign that he has filed one.

Under these circumstances, Mr. Allen does not need our authorization to file a § 2254 application challenging his felon-in-possession conviction. We deny his motion for authorization as unnecessary. This denial “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



CHRISTOPHER M. WOLPERT, Clerk