

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 20, 2025

Christopher M. Wolpert
Clerk of Court

In re: DIEUDLET JEAN-LOUIS,

Movant.

No. 25-8030
(D.C. Nos. 1:17-CR-00083-SWS-1 &
1:19-CV-00183-SWS)
(D. Wyo.)

ORDER

Before **PHILLIPS**, **McHUGH**, and **FEDERICO**, Circuit Judges.

Dieudlet Jean-Louis, proceeding pro se, seeks authorization to file a second or successive 28 U.S.C. § 2255 motion. We deny authorization.

In 2018, Dieudlet pled guilty to one count of conspiracy to commit access device fraud. The district court sentenced him to prison for twelve months and one day, and ordered him to pay \$164,627 in restitution. In 2019, Dieudlet filed a § 2255 motion, seeking to vacate his guilty plea and/or the restitution portion of his sentence. The district court denied the motion. Dieudlet did not appeal that decision.

In 2025, Dieudlet filed a motion purporting to seek relief under Federal Rule of Civil Procedure 60(b). The district court treated the Rule 60(b) motion as an unauthorized second or successive § 2255 motion and dismissed it for lack of jurisdiction. Dieudlet now seeks authorization to file his second or successive § 2255 motion.

To get authorization, Dieudlet must show his proposed claims rely on:

- (1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found [him] guilty of the offense; or
- (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C. § 2255(h).

He indicates in his motion that he seeks to bring two claims. But he admits that his first claim for ineffective assistance of counsel is not based on newly discovered evidence or a new rule of constitutional law. *See* Mot. for Auth. at 8-9. In describing his second claim for fraud on the court, he asserts that the court “wrongfully ordered me to pay an amount of restitution that was not tie[d] to my offense.” *Id.* at 10. Although he says his second claim is based on newly discovered evidence, when asked to describe the evidence and explain why he could not have previously discovered it, he states, “[a]s I was reading cases, I caught up to it.”¹ *Id.*

We conclude Dieudlet has not met the standards for authorization in § 2255(h). Accordingly, we deny his motion. This denial of authorization “shall not be appealable

¹ Whether authorization is available based on newly discovered evidence to a movant who challenges only his sentence is an open question in this circuit. *See United States v. Wesley*, 60 F.4th 1277, 1284 n.3 (10th Cir. 2023), *cert. denied*, 144 S. Ct. 2649 (2024). But we need not resolve that question in this matter. Even if we assume Dieudlet could seek authorization for his sentencing challenge based on new evidence, he has not actually identified any new evidence. He is therefore not entitled to authorization.

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 black ink, appearing to read 'Christopher M. Wolpert', written in a cursive style.

CHRISTOPHER M. WOLPERT, Clerk