

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 28, 2026

Christopher M. Wolpert
Clerk of Court

In re: MARTIN MEZA,

Movant.

No. 26-2047
(D.C. No. 2:20-CV-001017-JB-GBW)
(D. N.M.)

ORDER

Before **HOLMES**, Chief Judge, **PHILLIPS** and **MORITZ**, Circuit Judges.

In 2003, a New Mexico jury convicted Martin Meza of five counts of first-degree criminal sexual penetration of a child younger than age 13, and five counts of third-degree criminal sexual contact with a child younger than age 13. He was sentenced to 90 years in prison. Meza has already challenged these convictions in 28 U.S.C. § 2254 habeas corpus applications in 2020 and 2024. He now seeks authorization from this court to file another habeas application.

We may authorize a new § 2254 “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 [the applicant’s] innocence.” *Banister v. Davis*, 590 U.S. 504, 509 (2020); *see* 28 U.S.C. § 2244(b)(2)(B).

Meza seeks to bring seven claims of ineffective assistance of counsel relating to his trial counsel’s alleged lack of a license, failure to investigate, and failure to advise and advocate for Meza’s rights. Meza alleges that his new claims rely on previously undiscoverable facts that would establish his innocence. He states that nobody

considered that he was innocent of the crimes, he was illegally arrested, and people could not “read between the lines.” Mot. at 10. Meza further asserts that these new claims rely on new evidence because they were recently identified by a friend. None of these offerings amount to newly discovered evidence. Meza’s claims all involve new legal theories, not new evidence, and they fail to meet the standard for authorization in § 2244(b)(2)(B).

We deny Meza’s motion for authorization to file another habeas application. 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

Per Curiam