FILED
United States Court of Appeals
Tenth Circuit

March 2, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

In re: ERICK WANJIKU, Movant.	No. 26-5027 (D.C. Nos. 4:22-CV-00368-JFH-CDL; 4:23-CV-00363-SEH-MTS & 4:25-CV-00161-SEH-JFJ) (N.D. Okla.)

ORDER

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

In 2022, an Oklahoma jury convicted Erick Wanjiku of domestic assault and battery by strangulation. He was sentenced to three years in prison.[1] He has already challenged these convictions in several 28 U.S.C. § 2254 applications. He now seeks authorization from this court to file another such 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 his innocence." *Banister v. Davis*, 590 U.S. 504, 509 (2020); *see* 28 U.S.C. § 2244(b)(2).

[1] Wanjiku discharged his sentence in 2023 and was then placed in the custody of the U.S. Department of Homeland Security and transported to an Immigration and Customs Enforcement office. While there, an altercation between him and two immigration officers resulted in a new conviction on two federal counts of assault on a federal officer. Wanjiku is currently serving a three-year prison term on his federal convictions, but those convictions are not the subject of his motion for authorization before the court.

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Wanjiku seeks to bring claims based on: judicial bias, errors, and misconduct; ineffective assistance of trial and appellate counsel; and insufficient evidence. He fails to show that his new claims fit under either narrow category. To the contrary, his motion acknowledges that the claims for which he seeks authorization do not rely on a new and retroactive rule of constitutional law or on evidence of his innocence.

We deny Wanjiku'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." § 2244(b)(3)(E).

Entered for the Court

Per Curiam