

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 14, 2026

Christopher M. Wolpert
Clerk of Court

In re: RANDALL TRAVIS GREEN,

Movant.

No. 26-5084
(D.C. No. 4:09-CV-00480-TCK-TLW)
(N.D. Okla.)

ORDER

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

Randall Travis Green, an Oklahoma inmate proceeding pro se, moves for authorization to file a second or successive 28 U.S.C. § 2254 habeas application. We deny authorization.

In 2006, an Oklahoma jury convicted Mr. Green of sexually assaulting four female victims. After one victim recanted her trial testimony, Mr. Green filed his first § 2254 petition in 2009. The district court denied the petition, but this court granted a certificate of appealability (COA) and reversed in part, remanding with instructions for the district court to hold an evidentiary hearing on the issue of whether the State knowingly offered perjured testimony at Mr. Green's trial. Following an evidentiary hearing, the district court again denied relief. This court granted a second COA but ultimately affirmed the denial of relief.

Mr. Green has since filed three motions for authorization, all of which this court denied. He is now before us for a fourth time seeking authorization to file a second or successive § 2254 application.

Such an application cannot proceed in the district court without first being authorized by this court. 28 U.S.C. § 2244(b)(3). We may authorize a new claim only if it (1) “relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable,” § 2244(b)(2)(A); or (2) relies on facts that could not have been discovered previously through due diligence and that establish the applicant’s innocence by clear and convincing evidence, *see* § 2244(b)(2)(B).

Mr. Green seeks authorization based on an affidavit he says he obtained in 2023 from Jeffrey Peppers. Mr. Peppers avers that he was with Mr. Green on the day of two of the charged crimes, and that at no time did Mr. Green have any contact with the victims. Mr. Green asserts that his counsel was ineffective in failing to speak to Mr. Peppers. Mot. at 1 (“Green received new evidence in the form of an affidavit from Jeffrey Peppers proving that his appointed trial and direct appeal lawyers did not do anything in this case.”). However, he has already filed a motion for authorization on this claim. *See In re Green*, No. 24-5149, Dkt. No. 4-1, at 2 (10th Cir. Jan. 8, 2025) (denying motion for authorization based on Mr. Green’s allegation that “his trial and appellate counsel were ineffective for failing to investigate and speak with [Mr.] Peppers”). We denied that motion, *see id.* at 4, and nothing in the instant motion alters the analysis. We again deny authorization of this claim.

It also appears that Mr. Green seeks authorization to assert an ineffective-assistance-of-counsel claim based on his assertion that his trial counsel never spoke to him before the trial began. *See* Mot. at 2. But he fails to explain why he could not have

discovered the factual predicate for this claim previously, nor how it establishes his innocence. *See* § 2244(b)(2)(B). To the extent he raises such a claim, we deny it.

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.” *Id.* § 2244(b)(3)(E). We warn Mr. Green that he may be subject to sanctions if he again moves for authorization to challenge these convictions with arguments substantially similar to those presented here.

Entered for the Court

Per Curiam