

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 23, 2026

Christopher M. Wolpert
Clerk of Court

In re: DARRELL WAYNE YOUNG,

Movant.

No. 26-8028
(D.C. Nos. 1:24-CV-00208-SWS,
2:20-CV-00219-SWS, &
2:19-CV-00124-SWS)
(D. Wyo.)

ORDER

Before **CARSON, KELLY**, and **FEDERICO**, Circuit Judges.

Pro se movant Darrell Wayne Young requests authorization to file a second or successive 28 U.S.C. § 2254 application challenging his Wyoming sexual assault convictions. We deny authorization.

Mr. Young must obtain this court’s authorization before filing another § 2254 application in district court. *See Young v. Wyo. Dep’t of Corr. Medium Corr. Inst. Warden*, No. 24-8083, 2025 WL 1014236, at *1 (10th Cir. Apr. 4, 2025) (recognizing his most recent § 2254 application was an unauthorized second or successive § 2254 application). For authorization, he must show that his claims rely on “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. § 2244(b)(2)(A), or that “the factual predicate for the claim could not have been discovered previously through the exercise of due diligence” and “the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence

that, but for constitutional error, no reasonable factfinder would have found [him] guilty of the underlying offense,” § 2244(b)(2)(B)(i), (ii). A claim that was presented in a prior § 2254 application must be dismissed, *see* § 2244(b)(1), and so it cannot be authorized.

Mr. Young seeks authorization for three sets of claims. First, he asserts his trial counsel was ineffective in failing to adequately question the complaining witness at a pretrial hearing and at trial, and his appellate counsel was ineffective in failing to raise the issue on appeal. Second, he asserts his trial counsel was ineffective in failing to follow the required procedure to proffer restricted evidence, and his appellate counsel was ineffective in failing to raise the issue on appeal. And third, he asserts he was deprived of a fair trial when he was denied an expert witness at the state’s expense, and his appellate counsel was ineffective in failing to raise the issue on appeal.

It appears Mr. Young raised at least one of these claims in a prior § 2254 application. To the extent the proposed claims duplicate claims he already raised, they are subject to dismissal under § 2244(b)(1) and cannot be authorized.

But in any event, Mr. Young does not identify any new law or new evidence that would satisfy § 2244(b)(2) for any of the three sets of claims. None of the decisions he cites establish new rules of constitutional law, made retroactive by the Supreme Court, as § 2244(b)(2)(A) requires. And he does not show that any of the factual predicates for his claims were not previously discoverable, as § 2244(b)(2)(B) requires. Excerpts from the transcripts of the pretrial hearing and the trial do not satisfy § 2244(b)(2)(B), as that information was available to Mr. Young at the time of those proceedings. Although he

alleges he was unable to recognize the significance of the proceedings earlier, that does not excuse him from satisfying the requirements of § 2244(b)(2).

We deny the motion for authorization. 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