

24-5438 BOWE V. UNITED STATES

DECISION BELOW: CA 11 ORDER 6/27/2024

LOWER COURT CASE NUMBER: 24-11704

QUESTION PRESENTED:

Under 28 U.S.C. § 2244(b)(1), “[a] claim presented in a second or successive *habeas corpus application under section 2254* that was presented in a prior application shall be dismissed.” (emphasis added).

The first question presented is:

Whether 28 U.S.C. § 2244(b)(1) applies to a claim presented in a second or successive motion to vacate under 28 U.S.C. § 2255.

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Under 28 U.S.C. § 2244(b)(3)(E), “[t]he grant or denial of an authorization by a court of appeals to file a second or successive *application* shall not be appealable and shall not be the subject of a petition . . . for a writ of certiorari.” (emphasis added).

The second question presented is:

Whether 28 U.S.C. § 2244(b)(3)(E) deprives this Court of certiorari jurisdiction over the grant or denial of an authorization by a court of appeals to file a second or successive motion to vacate under 28 U.S.C. § 2255.

CERT. GRANTED 1/17/2025