

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 15, 2023

Christopher M. Wolpert
Clerk of Court

RICKEY WHITE,

Petitioner - Appellant,

v.

OKLAHOMA DEPARTMENT OF
CORRECTIONS; CARL BEAR,

Respondents - Appellees.

No. 23-6116
(D.C. No. 5:23-CV-00528-R)
(W.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **PHILLIPS**, **MORITZ**, and **CARSON**, Circuit Judges.

In 1983, an Oklahoma state court sentenced Rickey White to life in prison for murder. In the decades since, Mr. White has filed several habeas applications under 28 U.S.C. § 2254 challenging his conviction. He filed another one to commence this case. The district court dismissed the application for lack of jurisdiction because Mr. White had not received the necessary authorization from this court to file a second or successive § 2254 application. Mr. White now seeks to appeal the dismissal.¹

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

¹ Mr. White represents himself, so we construe his filings liberally. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

To appeal, Mr. White must first obtain a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). And to obtain a certificate of appealability, he must show “that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

Mr. White has not satisfied this standard. A district court lacks jurisdiction over the merits of an unauthorized second or successive § 2254 application. *See In re Cline*, 531 F.3d 1249, 1251 (10th Cir. 2008). Mr. White’s § 2254 application was a second or successive one, and he lacked authorization to file it. So no reasonable jurist could debate the district court’s decision to dismiss the application for lack of jurisdiction.

We deny Mr. White’s application for a certificate of appealability. We deny his motions to proceed without prepaying costs or fees because he has not presented “a reasoned, nonfrivolous argument on the law and facts.” *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). We deny all other pending motions. And we dismiss this matter.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk