

United States Court of Appeals
for the Fifth Circuit

No. 25-51042

United States Court of Appeals
Fifth Circuit

FILED

April 10, 2026

Lyle W. Cayce
Clerk

IN RE ADAM EUGENE MARTIN,

Movant.

Motion for an Order Authorizing
the United States District Court
for the Western District of Texas
to Consider a Successive 28 U.S.C. § 2255 Motion

UNPUBLISHED ORDER

Before JONES, SMITH, and HIGGINSON, *Circuit Judges*.

PER CURIAM:

Adam Eugene Martin was convicted by a jury in 2004 on seven counts of bank robbery and one count of attempted bank robbery in violation of 18 U.S.C. § 2113(a). *United States v. Martin*, 431 F.3d 846, 847-48 (5th Cir. 2005). The district court imposed eight concurrent life sentences pursuant to 18 U.S.C. § 3559(c), which is mandatory when a defendant is convicted of a serious violent felony and has two or more prior convictions on separate occasions for serious violent felonies. *See Martin*, 431 F.3d at 848, 852; 18 U.S.C. § 3559(c)(1)(A)(i). Martin now moves for authorization to file a successive 28 U.S.C. § 2255 motion, challenging his sentencing under § 3559(c).

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To obtain authorization, Martin must make a prima facie showing that his proposed § 2255 motion contains either (1) “newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense” or (2) “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. § 2255(h); see 28 U.S.C. § 2244(b)(3)(C); *Bowe v. United States*, No. 24-5438, 2026 WL 70342, at *10 (U.S. Jan. 9, 2026) (recognizing that § 2255(h) incorporates § 2244(b)(3)(C)).

Martin has not made the requisite prima facie showing. In support of his motion, Martin argues that he lacks the necessary predicate convictions to be sentenced under § 3559(c). In particular, Martin asserts that his two prior § 2113(a) federal bank robberies were part of a single episode and count as only one predicate offense and that neither his prior Texas robbery conviction nor his prior Arizona aggravated assault conviction qualifies.

Even if Martin’s prior § 2113(a) offenses count as only one serious violent felony for purposes of § 3559(c)(1)(A)(i), only one additional predicate conviction was needed for the district court to sentence Martin under § 3559(c). We need not consider Martin’s arguments concerning his Texas robbery conviction because he has not made the requisite prima facie showing concerning his Arizona aggravated assault conviction. See 28 U.S.C. §§ 2255(h), 2244(b)(3)(C); see also In re Rodriguez, 18 F.4th 841, 841-42 (5th Cir. 2021) (explaining that the Supreme Court’s decision in *Borden v. United States*, 593 U.S. 420 (2021), did not decide an issue of constitutional law); *In re Lampton*, 667 F.3d 585, 590 (5th Cir. 2012) (denying authorization to file a successive § 2255 motion because the Supreme Court case invoked by the movant did not apply to the facts of the movant’s case).

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Accordingly, IT IS ORDERED that the motion for authorization is DENIED. Having failed to heed our previous warnings that any further frivolous or repetitive filings would subject him to sanctions, Martin is ORDERED to pay a sanction in the amount of \$100 to the Clerk of this court and is BARRED from filing in this court or any court subject to its jurisdiction any challenge to his convictions and sentences until the sanction is paid in full, unless he first obtains the permission of the forum court. Martin is WARNED that any future frivolous or repetitive filings in this court or any court subject to its jurisdiction will subject him to additional and progressively more severe sanctions. He should review all pending matters and move to dismiss any that are frivolous or repetitive.

Appendix A

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 12, 2026

#39706-180
Mr. Adam Eugene Martin
FCI Terre Haute
P.O. Box 33
Terre Haute, IN 47808-0033

No. 25-51042 In re: Adam Martin
USDC No.

Dear Mr. Martin,

The court has received your petition for panel rehearing. 28 U.S.C. Section 2244(b)(3)(E) does not permit review of the denial of your request to file a successive petition. We are taking no action on this document.

Sincerely,

LYLE W. CAYCE, Clerk

Renee Mc Donough

By: _____
Renee S. McDonough, Deputy Clerk
504-310-7673

Appendix A

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 10, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-51042 In re: Adam Martin

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Christina Gardner

By:

Christina A. Gardner, Deputy Clerk
504-310-7684

Mr. Adam Eugene Martin