No. 26-6023

FILED
JUL 07 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Lavont Flanders Jr — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eleventh Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lavont Flanders Jr
(Your Name)

P.O. Box 7007
(Address)

Marianna, Fl 32447
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Should the Eleventh Circuit continue to use a rule that has been demonstrated to Not prevent the Appeals Court review because the Certiorari Bar does not apply to motions filed by Federal prisoners.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Eleventh Circuit Court of Appeals

RELATED CASES

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OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix 1 to the petition and is

[✓] reported at In re: Lavont Flanders Jr, 26-10945-E; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at N/A; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at N/A; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the N/A court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 13, 2026.

[ ] No petition for rehearing was timely filed in my case.

[✓] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 13, 2026, and a copy of the order denying rehearing appears at Appendix 1.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was N/A. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on N/A (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Section 2255(h) of Title 28 of the U.S. Code

Section 2244(b) of Title 28 of the U.S. Code

Eleventh Circuit Rule 22-3

STATEMENT OF THE CASE

The Petitioner, Mr. Flanders filed a Federal Habeas Corpus application for a Second or Successive motion under 28 U.S.C. 2255 (h)(1) in 2026. In April of 2026 a Panel of the Eleventh Circuit denied the Petitioners Second or successive motion under 28 U.S.C. 2255 (h)(1). The petitioner then Petitioned the Eleventh Circuit Court of Appeals for a Panel rehearing and rehearing en banc. On 4/13/2026 a Panel bared the petitioner's request for rehearing by citing Circuit Rule 22-3 (b) which states: "Consistent with 28 U.S.C. 2244 (b)(3)(E), the grant or denial of an authorization by a court of appeals to file a second or successive habeas corpus petition or a motion pursuant to 28 U.S.C. 2255 is not appealable and shall not be the subject of a motion for reconsideration, a petition for Panel rehearing, or a petition for rehearing en banc,"

Because Cir. R. 22-3 (b) is Consistent with 28 U.S.C. 2244 (b)(3)(E) which has been obrogated by Bowe on January 9, 2026, BOWE also in effect abrogated Cir. R. 22-3 (b). Circuit Rule 22-3 (b) is being applied in a way that conflicts with a recent US Supreme Court Ruling in BOWE. Motions for reconsideration, Petitions for Panel rehearing, or petitions for rehearing en banc are being denied by Circuit Rules that do not apply to Federal Prisoners.

REASONS FOR GRANTING THE PETITION

The Eleventh Circuit Court of Appeals has decided an important question of federal law that has not been, but should be settled by this court. The Eleventh Circuit is continuing to use Circuit Rule 22-3 (b) even after it has been demonstrated to not prevent the Appeals Court review because the Certiorari Bar does not apply to motions filed by Federal prisoners.

Circuit Rule 22-3 (b) which states that it is Consistent with 28 U.S.C. 2244 (b) (3) (E) States that the grant or denial of an authorization by a court of appeals to file a second or successive habeas corpus petition or a motion pursuant to 28 U.S.C. 2255 is not appealable and shall not be the subject of a motion for reconsideration, a petition for Panel rehearing, or a Petition for rehearing en banc. See Appendix A.

It has now been determined that this Circuit Rule is expired, outdated, or has been obrogated because of Bowe v. United States, No. 24-5438; January 9, 2026.

The Federal Statute that Cir. R. 22-3 (b) relies on has been clarified by BOWE not to apply to Federal prisoners, therefore Cir. R. 22-3 (b) has in effect been obrogated. 2244 (b) (3) (E) does not apply to federal prisoners, 28 U.S.C. 2244 (b) (3) (E) which is housed within 2244, which imposes several strict requirements which were adopted by Cir. R. 22-3 (b) have been found to apply only to state prisoners.

Mr. Flanders, who is a Federal prisoner Sought a Panel rehearing, and rehearing en banc after a panel in the Eleventh Circuit Court of Appeals denied his Second or Successive application.

In denying Mr. Flanders's petitions for rehearing the Court of Appeals used Circuit Rule 22-3 (b), See APPendix A. The question for this Court is, Should the Eleventh Circuit Court of Appeals Continve to use a Circuit Rule which is Consistent with a Federal Statute that has been abrogated by BOWE on January 9, 2026?

This Circuit Rule of the Eleventh Circuit is being applied in a way that conflicts with a recent and relevant decision of this Court. This is an important question of federal law that has not been, but should be, settled by this Court.

Circuit Rule 22-3 (b) Subsection (b) which was derived from a Federal Statute that has now been abrogated must not be allowed to prevent Federal prisoners from Seeking motions for reconsiderations, Petitions for Panel rehearings, or Petitions for rehearing en banc because this Rule, Just like 28 U.S.C. 2244 (b) (3) (E) to which the Rule was founded upon, does not apply to federal prisoners. APPeals Courts Nationwide have similary Circuit Rules as the Eleventh Circuit Court of Appeals which are Consistent with the Federal Statute that has now been abrogated.

This question calls for an exercise of this Court's Supervisory power because the importance of this case not only affects the Petitioner, but it also effects others Similary situated in habeas proceedings around the Nation. This Honorable Court should grant Certiorari in this case because it involves a question of national importance concerning habeas corpus motions for Federal Prisoners.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lavont Flanders I / Lavont Flanders Jr

Date: June 24, 2026