UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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April 13, 2026

Lavont Flanders Jr.
FCI Marianna - Inmate Legal Mail
PO BOX 7007
MARIANNA, FL 32447-7007

Appeal Number: 26-10945-E
Case Style: In re: Lavont Flanders, Jr.
District Court Docket No: 1:11-cr-20557-KMM-1

The enclosed order has been entered. No further action will be taken in this matter.

Any pending motions are now rendered moot in light of the attached order.

Motions for Reconsideration and Petitions for Rehearing Not Permitted
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 shall not be the subject of a motion for reconsideration, a petition for panel rehearing, or a petition for rehearing en banc. See 11th Cir. R. 22-3(b)

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Enclosure(s)

DIS-4 Multi-purpose dismissal letter

APPENDIX A

In the

United States Court of Appeals

For the Eleventh Circuit

No. 26-10945

In re: LAVONT FLANDERS, JR.,

Petitioner.

Application for Leave to File a Second or Successive Motion to Vacate, Set Aside, or Correct Sentence, 28 U.S.C. § 2255(h)

Before NEWSOM, BRASHER, and WILSON, Circuit Judges.

BY THE PANEL:

Pursuant to 28 U.S.C. §§ 2255(h) and 2244(b)(3)(A), Lavont Flanders, Jr., has filed a motion seeking an order authorizing the district court to consider a second or successive motion to vacate, set aside, or correct his federal sentence, 28 U.S.C. § 2255. Such authorization may be granted only if this Court certifies that the second or successive motion contains a claim involving:

> (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

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> 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). The prisoner must make a prima facie showing that the proposed claim satisfies those requirements. *Id.* § 2244(b)(3)(C); *see also In re Bowe*, 166 F.4th 1267, 1268 (11th Cir. 2026) (explaining that this Court's determination that a movant has made a prima facie showing that the statutory criteria have been met is simply a threshold determination).

Flanders is a federal prisoner serving a total sentence of life imprisonment for conspiracy to engage in sex trafficking by fraud, sex trafficking by fraud, attempt to engage in sex trafficking by fraud, attempt to benefit by participating in a venture to engage in sex trafficking by fraud, and distribution of a controlled substance.

We described the underlying offense conduct in Flanders's direct criminal appeal as follows. *United States v. Flanders*, 752 F.3d 1317, 1326 (11th Cir. 2014). Flanders used numerous aliases on the internet to recruit women to travel to Florida to "audition" to be in an advertising campaign for liquor brands. *Id.* Flanders instructed the women to consume alcohol as part of the audition, which, unbeknownst to the women, contained Benzodiazepines to inhibit the women's memories and reduce their inhibitions. *Id.* Flanders would then transport the drugged women to meet with his codefendant, where they would have the women sign a release

form before Flanders filmed his codefendant having sex with the women. *Id.* Flanders's codefendant then "distributed and attempted to distribute videos of the assaults," through the "pornographic production company, Miami Vibes Enterprises." *Id.*

In 2016, Flanders filed his original § 2255 motion, which the district court denied with prejudice.

This year, Flanders has sought leave to file a second or successive § 2255 motion three times. In a February 2026 motion, he asserted that his claims were based on newly discovered evidence, but we denied his motion, determining that his asserted grounds all pertained to purported procedural and constitutional errors, not his factual innocence. In Flanders's first March 2026 motion, he made the same argument, and we again denied his motion because his argument pertained to procedural and constitutional defects, not his factual innocence. He made the same argument again in his second March 2026 motion, and we again denied his motion for the same reason.

In his current motion for authorization, Flanders presents one claim that he seeks to raise in a second or successive § 2255 motion. He claims that, but for the illegal suppression of exculpatory and impeaching evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), no reasonable jury would have convicted him. Flanders states that his claim relies on newly discovered evidence in the form of a sworn Miramar Police Department ("MPD") statement and release forms signed by his victims.

Flanders argues that his newly discovered evidence meets the standard to authorize a second or successive § 2255 motion because it is clear and convincing evidence of actual innocence and established a constitutional violation. He alleges that the MPD report showed that one woman consented to the sexual acts that took place, meaning no criminal act took place and that no reasonable jury could have convicted him had the MPD report not been unconstitutionally suppressed. He contends that the release forms show that all the women consented since all of them were required to fill out the forms and that no reasonable factfinder could have found him guilty if this exculpatory evidence had not been unconstitutionally suppressed. Flanders further argues that the suppression of this evidence was a *Brady* violation, shown by a prosecutor's March 2014 e-mail, which establishes that he satisfies the "'actual innocence plus' standard" in *In re Everett*, 797 F.3d 1282 (11th Cir. 2015). He asserts that the suppression of this evidence violated *Brady* because it was favorable to him and either exculpatory or impeaching and that he was prejudiced by its suppression. He argues that if the evidence had been disclosed to him, the result of his trial would have been different because it would have supported his arguments about the improper amendment of his indictment and that the women consented.

Flanders attaches and describes the following as the new evidence supporting his claim: (1) a sworn and taped police statement from the MPD; (2) "[c]onsent forms for all of the alleged victims"; (3) an arrest report from the U.S. Marshals Service; (4) a Federal Bureau of Investigation ("FBI") report; (5) FBI grand jury

information from 2011; (6) FBI reports from March and August 2011; (7) an "FBI (FD-515) Report"; (8) an "FBI Miami CART Report" from October 2011; (9) a United States Department of Justice prisoner remand report from August 2011; and (10) an "Innocent Images National Initiative Report."

A movant seeking leave to file a second or successive § 2255 motion based on newly discovered evidence must show that the newly discovered evidence establishes his "factual innocence of the offense of conviction." *In re Sams*, 830 F.3d 1234, 1241 (11th Cir. 2016). In *In re Everett*, we stated, in the § 2254 petition context, that § 2244(b)(2)(B)(ii) required "both clear and convincing evidence of actual innocence *and a constitutional violation*, which we have referred to as the 'actual innocence plus' standard." *In re Everett*, 797 F.3d at 1290 (quoting *In re Davis*, 565 F.3d 810, 823 (11th Cir. 2009)).

In *Bowe*, the Supreme Court abrogated in *In re Baptiste*, 828 F.3d 1337 (11th Cir. 2016), and held, as a matter of statutory interpretation, that § 2244(b)(1) does not apply to federal prisoners and that a federal prisoner seeking approval to file a second or successive § 2255 motion, including a motion that raises repeat claims, must meet one of the two requirements set out in § 2255(h). *Bowe v. United States*, 146 S. Ct. 447, 462–65 (2026).

Here, we deny Flanders's motion for authorization because he has failed to make a prima facie showing that his claims satisfy the § 2255(h) criteria. 28 U.S.C. § 2255(h). As initial matters, he does not assert that his claim is based on a new rule of constitutional law and his citation to *Bowe* appears to be solely for the

proposition that we must evaluate his claim regardless of if he raised it in a prior motion for authorization or his original § 2255 motion. *Bowe*, 146 S. Ct. at 462–64; *Id.* § 2255(h)(2). Further, Flanders's citation to our "innocence plus" standard is misplaced because that standard applies to petitions to file a second or successive § 2254 petition brought under § 2244(b), not motions for authorization to file a second or successive § 2255 motion, as Flanders is making here. *See In re Everett*, 797 at 1290.

Turning to the merits, Flanders has failed to make a prima facie showing that his asserted newly discovered evidence establishes that no reasonable factfinder would have found him guilty because the evidence he puts forward does not address his factual innocence of his crimes of conviction, nor would it support his innocence in light of all the evidence. *See* 28 U.S.C. § 2255(h)(1); *In re Sams*, 830 F.3d at 1241. Flanders makes no argument that he is actually innocent of his distribution of a controlled substance convictions. 28 U.S.C. § 2255(h)(1). A

As for his convictions related to sex trafficking by fraud, Flanders relies on a single police report and five vague releases to argue that all his victims consented to being drugged and sexually assaulted, filmed while being sexually assaulted, and having those videos disseminated online for Flanders and his codefendant's financial gain. *Flanders*, 752 F.3d at 1326. Flanders's argument does not address his factual, actual innocence because the women's purported consent does not pertain to his convictions relating to sex trafficking by fraud since the women consented to a fraudulent

misrepresentation, thereby meaning they could not have consented to Flanders's subsequent actions. *Id.*; *see* 28 U.S.C. § 2255(h)(1); *In re Sams*, 830 F.3d at 1241. Furthermore, the MPD report does not show Flanders's actual innocence because—in the part Flanders does not cite—it describes Flanders's fraudulently causing a woman to engage in a commercial sex act, supporting his convictions. *See* 28 U.S.C. § 2255(h)(1); *In re Sams*, 830 F.3d at 1241. As to the release forms, in light of the evidence as a whole, these were executed after the women had been drugged, meaning they likely could not have consented, and did not specifically describe the actions to which the women consented beyond a vague reference to acts during an interview, showing these forms could not support Flanders's actual innocence, but rather, are further indicia of the fraudulent scheme Flanders operated. *Flanders*, 752 F.3d at 1326; *see* 28 U.S.C. § 2255(h)(1); *In re Sams*, 830 F.3d at 1241.

Accordingly, because Flanders has failed to make a prima facie showing of the existence of either of the grounds set forth in 28 U.S.C. § 2255, his motion for authorization to file a second or successive § 2255 motion is hereby **DENIED**.

§ 2255. Federal custody; remedies on motion attacking sentence

(a) A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

(b) Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

(c) A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

(d) An appeal may be taken to the court of appeals from the order entered on the motion as from the final judgment on application for a writ of habeas corpus.

(e) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

(f) A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

(1) the date on which the judgment of conviction becomes final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

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(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

(g) Except as provided in section 408 of the Controlled Substances Act [21 USCS § 848], in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

(h) A second or successive motion must be certified as provided in section 2244 [28 USCS § 2244] by a panel of the appropriate court of appeals to contain—

(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.

HISTORY:

June 25, 1948, ch 646, 62 Stat. 967; May 24, 1949, ch 139, § 114, 63 Stat. 105; April 24, 1996, P. L. 104-132, Title I, § 105, 110 Stat. 1220; Jan. 7, 2008, P. L. 110-177, Title V, § 511, 121 Stat. 2545.

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2244. Finality of determination

(a) No circuit or district judge shall be required to entertain an application for a writ of habeas corpus to inquire into the detention of a person pursuant to a judgment of a court of the United States if it appears that the legality of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus, except as provided in section 2255 [28 USCS § 2255].

(b) (1) A claim presented in a second or successive habeas corpus application under section 2254 [28 USCS § 2254] that was presented in a prior application shall be dismissed.

(2) A claim presented in a second or successive habeas corpus application under section 2254 [28 USCS § 2254] that was not presented in a prior application shall be dismissed unless—

(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B) (i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

(ii) 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 the applicant guilty of the underlying offense.

(3) (A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

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retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

HISTORY:

June 25, 1948, ch 646, 62 Stat. 965; Nov. 2, 1966, P. L. 89-711, § 1, 80 Stat. 1104; April 24, 1996, P. L. 104-132, Title I, §§ 101, 106, 110 Stat. 1217, 1220.

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Cir. R. 22-3. Application for Leave to File a Second or Successive Habeas Corpus Petition or Motion to Vacate, Set Aside or Correct Sentence

(a) Form. An applicant seeking leave to file a second or successive habeas corpus petition or motion to vacate, set aside or correct sentence should use the appropriate form provided by the clerk of this court. In a death sentence case, the use of the form is optional.

(b) Finality of Determination. 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.

HISTORY: As amended April 1, 2007; Dec. 1, 2016; Aug. 1, 2017.

APPENDIX D

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