

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted September 19, 2024

Decided September 27, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-2638

IAN J. CLARK,
Applicant,

v.

MARK R. SEVIER,
Respondent.

On Motion for an Order Authorizing the
District Court to Entertain a Second or
Successive Petition for Collateral Review.

ORDER

In 2008, an Indiana jury convicted Ian Clark of murdering his fiancée's two-year-old daughter. The trial court imposed a life sentence. *State v. Clark*, No. 43C01-0705-FA-127 (Kosciusko Cnty. Cir. Ct. Apr. 3, 2008).

After unsuccessfully pursuing relief in state court, Clark embarked on years of litigation challenging his conviction and sentence in federal court. The district court denied Clark's first petition for a writ of habeas corpus under 28 U.S.C. § 2254 and Clark's later motion to reconsider that decision. No. 3:17-CV-475-JD-MGG (N.D. Ind. July 10 & Aug. 12, 2019). Clark then sought our permission for a successive collateral attack, which we denied. No. 20-1544 (7th Cir. Apr. 30, 2020). He followed up with another petition that the district court dismissed as successive, No. 3:20-CV-823-DRL-MGG (N.D. Ind. Nov. 5, 2020), and we denied a certificate of appealability, No. 20-3418

(7th Cir. Feb. 26, 2021). Clark filed a post-judgment motion in the original habeas corpus action, which the district court denied; we then denied a certificate of appealability. No. 21-1985 (7th Cir. Oct. 26, 2021).

Clark returned to us in January and July 2024, seeking leave under 28 U.S.C. § 2244(b) to file successive petitions. Both times he argued that Indiana's statutes were inconsistent about whether someone in his circumstance can use voluntary intoxication as a defense. We denied leave, Nos. 24-1035 (7th Cir. Jan. 19, 2024); 24-2195 (7th Cir. July 26, 2024), and in our July order we warned Clark that he risked monetary sanctions and a filing bar for further repetitive or frivolous challenges to his conviction and sentence.

Now, Clark again seeks leave to file a successive petition. This time, he argues that prosecutors committed misconduct when they promised him a plea deal involving a 40-year sentence but later reneged. We have repeatedly explained to Clark that to obtain our permission to file a successive federal petition, his claim must rest on previously unavailable evidence of innocence or a new rule of constitutional law made retroactive by the Supreme Court. 28 U.S.C. § 2244(b)(2). His claim does not satisfy this requirement. Accordingly, we deny authorization and dismiss Clark's application.

Because Clark has persisted in filing frivolous challenges to his conviction and sentence, he is fined \$500. Until he pays that sum in full to the clerk of this court, any collateral attack on his 2008 conviction and sentence for murder that he submits to any federal court of this circuit will be returned unfiled. Any applications for leave to file successive collateral attacks on this conviction or sentence will be deemed denied 30 days after filing unless the court orders otherwise. *See Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997).