

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 3, 2024

Decided June 7, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 24-1958

IVORY L. SUTTLE,
Applicant,

v.

BRAD MLODZIK,
Respondent.

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

ORDER

In his fifth application under 28 U.S.C. § 2244(b)(3), Ivory Suttle seeks authorization to file a successive petition for a writ of habeas corpus. This application rests on the same theory as his first four: that a key witness for the State was lying, prosecutors exploited the lie, and his own counsel did nothing about it. *See* No. 15-2459 (7th Cir. July 23, 2015); No. 10-1078 (Jan. 22, 2010); No. 09-1398 (Feb. 24, 2009); No. 04-4121 (Dec. 20, 2004). Because this claim has been presented before, it must be dismissed. *See* 28 U.S.C. § 2244(b)(1).

We therefore **DENY** authorization and **DISMISS** Suttle's application. Additionally, in Nos. 15-2459 and 10-1078, we twice warned Suttle that he would incur sanctions if he again pursued frivolous filings. He has ignored those warnings. Accordingly, we impose the following sanction:

Suttle is fined \$500. Until he pays that sum in full to the clerk of this court, any collateral attack on his Wisconsin conviction or sentence for first-degree homicide 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).