

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

Submitted August 18, 2023
Decided September 18, 2023

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 23-2638

WILLIE C. SIMPSON,
Applicant,

v.

GARY BOUGHTON,
Respondent.

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

ORDER

For several sex-crime convictions from Wisconsin, Willie Simpson is serving decades of imprisonment. His frequent but frivolous habeas corpus challenges to the state judgments led us to impose a \$1,000 fine and filing bar in early 2017. Nos. 16-3436, 16-3630 & 17-1467 (7th Cir. Mar. 30, 2017); *see also* No. 20-3293 (7th Cir. Mar. 19, 2021) (imposing similar fine and filing bar for non-habeas lawsuits). Yet in 2020 Simpson paid the 2017 fine, thus lifting the filing bar for habeas cases. He followed up with an application for leave to file a successive petition under 28 U.S.C. § 2244(b). We denied it, warning Simpson that “any frivolous habeas corpus appeals or § 2244(b) applications” in the future will lead to renewed sanctions. No. 22-2086 (7th Cir. July 13, 2022).

Now Simpson again asks for leave to reopen his old federal cases or file a new one under § 2244(b). His argument runs as follows: In the years after his convictions,

Wisconsin amended its sex-crime statutes to include new penalties and different definitions; despite the lack of any clear legislative statement that the changes would be retroactive, Simpson insists, Wisconsin rules of statutory interpretation necessarily imply that the changes are retroactive; thus, he asserts, the statutes he originally violated are effectively nonexistent and always have been; and so, he concludes, Wisconsin has no basis to imprison him, and federal judges lacked jurisdiction to decide his prior habeas cases.

This argument is implausible on its face. None of the cases or statutes cited in the application supports it. And if, contrary to appearances, the argument had merit, then Simpson has identified no good reason for not raising it sooner. It involves no new and retroactive constitutional rule announced by the Supreme Court, and no new evidence about the facts underlying Simpson's convictions—so there is no colorable argument that it satisfies 28 U.S.C. § 2244(b)(2)'s requirements for a successive application. Nor has Simpson identified a source of authority for us to direct any court to reopen his old federal cases today.

We therefore **DENY** authorization and **DISMISS** Simpson's application. Because Simpson has persisted with frivolous habeas litigation despite a prior \$1,000 fine and our more recent warnings, we impose the following **SANCTION**:

Simpson is fined \$1,500. Until he pays that sum in full to the clerk of this court, any collateral attack on his Wisconsin criminal convictions or sentences that he files in any federal court of this circuit will be returned unfiled. Any application for leave to file a successive collateral attack 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).