

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

Submitted November 20, 2023

Decided November 30, 2023

**Before**

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 23-3231

DeJUAN B. THORNTON-BEY,  
*Applicant,*

*v.*

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

UNITED STATES OF AMERICA,  
*Respondent.*

**ORDER**

DeJuan Thornton-Bey applies under 28 U.S.C. § 2244(b) and § 2255(h) for authorization to file a successive § 2255 motion. We deny this request. And because Thornton-Bey has disregarded our prior warnings against frivolous litigation, we impose a fine and filing bar.

A jury convicted Thornton-Bey of federal drug and gun offenses in 2002, for which he was sentenced to 387 months' imprisonment. We dismissed his direct appeal for want of prosecution. No. 03-1407 (7th Cir. Oct. 29, 2003). Since then, Thornton-Bey has repeatedly and baselessly attempted to collaterally attack the sentencing court's jurisdiction. *See, e.g.*, No. 08-cv-3999 (N.D. Ill. Jan. 26, 2009), *certificate of appealability denied*, No. 09-1701 (7th Cir. Sept. 24, 2009); No. 12-cv-4535 (N.D. Ill. June 21, 2012),

*appeal dismissed*, No. 13-3698 (7th Cir. Dec. 31, 2013); No. 14-cv-2723 (N.D. Ill. Sept. 16, 2014), *certificate denied*, No. 14-3538 (7th Cir. June 9, 2015).

Still, in 2016 Thornton-Bey received leave to file a successive § 2255 motion to pursue constitutional theories not relevant here. Although the district court denied the new motion, it certified an appeal on the constitutional questions. No. 16-cv-5532 (N.D. Ill. Jan. 14, 2019). But Thornton-Bey insisted on pressing jurisdictional arguments that had not been certified; one appointed lawyer, and then another, withdrew from the appeal, leaving Thornton-Bey to brief it himself; and because he abandoned the certified constitutional issues in favor of his jurisdictional arguments, we dismissed Thornton-Bey's appeal and warned him that continuing to challenge the sentencing court's jurisdiction would lead to sanctions. No. 19-1404 (7th Cir. Mar. 15, 2021).

Despite that warning, in today's application Thornton-Bey again challenges the district court's jurisdiction over his criminal case. But to receive leave to file another § 2255 motion, Thornton-Bey would need to rest his claim either on a new and retroactive constitutional rule from the Supreme Court of the United States or on previously unavailable facts that establish his innocence. 28 U.S.C. § 2255(h). He does not attempt to do either. We therefore deny authorization to bring a successive collateral attack, and we dismiss Thornton-Bey's application.

We have already warned Thornton-Bey that frivolous filings risk monetary sanctions and a filing bar. Today we make good on that warning and fine Thornton-Bey \$500. Until he pays that sum to the Clerk of this court, any collateral attack on his 2002 conviction and resulting sentence 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 and 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).