

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-12726

Non-Argument Calendar

CARLOS L. WOODSON,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:02-cv-21921-PAS

Before NEWSOM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Carlos Woodson appeals the district court's order dismissing his fifth Federal Rule of Civil Procedure 60(b) motion for lack of jurisdiction as an unauthorized successive petition for habeas corpus. After careful consideration, we affirm.

In 1996, a jury convicted Woodson for burglary and sexual battery. Florida's Third District Court of Appeal affirmed the conviction, and the Supreme Court of Florida denied review. *Woodson v. State*, 739 So.2d 1210 (Fla. Dist. Ct. App.), *review denied*, 749 So. 2d 505 (Fla. 1999).

In 2002, Woodson filed his federal habeas petition in the district court challenging his convictions. Among other things, Woodson claimed that the information the state attorney filed to bring charges was invalid because it was not based on sworn statements made by material witnesses as required by Florida's rules of criminal procedure. The magistrate judge recommended denying the petition because Woodson was not entitled to relief based on the alleged insufficiency of the charging information. And the district court adopted the recommendation and denied the habeas petition.

Twelve years later, Woodson filed a rule 60(b) motion, seeking to vacate the habeas order as void because the district court lacked subject-matter jurisdiction to hear the habeas petition. Woodson argued that because the charging information was void,

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the state trial court lacked subject-matter jurisdiction to try him, and therefore, the district court lacked authority to make a merits determination based on issues stemming from the state court's void judgment. The district court denied the rule 60(b) motion because Woodson had previously asserted and lost on the same insufficient-information claim in his habeas petition, and no extraordinary circumstances merited reconsideration.

In his second rule 60(b) motion, Woodson again argued that the information was deficient and therefore the state trial court lacked subject-matter jurisdiction to try him, and the district court lacked subject-matter jurisdiction to hear a habeas petition arising from a void state court judgment. The district court dismissed the second rule 60(b) motion, which featured a "substantially identical" argument, for the same reasons it dismissed the first one. (Woodson also filed third and fourth rule 60(b) motions, which the district court dismissed for lack of jurisdiction as successive habeas petitions.)

This appeal involves Woodson's fifth rule 60(b) motion. This time, he argued that the district court erred in reviewing the merits of his habeas petition because his claims had not been exhausted in state court and were outside the statute of limitations. As before, the district court dismissed the fifth rule 60(b) motion

for lack of jurisdiction because it was a successive section 2254 petition. Woodson appeals the district court's dismissal.¹

For a district court to have subject-matter jurisdiction over a successive petition, the prisoner must first obtain an order from us authorizing the district court to consider it. See 28 U.S.C. § 2244(b)(3)(A). “Without such authorization, the district court lack[s] subject[-]matter jurisdiction to consider the successive petition.” *Williams*, 510 F.3d at 1295.

“[A] [r]ule 60(b) motion is to be treated as a successive habeas petition if it” either “seeks to add a new ground for relief” or “attacks the federal court’s previous resolution of a claim *on the merits*.” *Id.* at 1293–94 (second and third quote from *Gonzalez v. Crosby*, 545 U.S. 524, 532 (2005)). “[O]n the merits” refers “to a determination that there exist or do not exist grounds entitling a petitioner to habeas corpus relief.” *Gonzalez*, 545 U.S. at 532 n.4. On the other hand, a rule 60(b) motion hits closer to the mark when the prisoner “merely asserts that a previous ruling which precluded a merits determination was in error—for example, a denial for such reasons as failure to exhaust, procedural default, or statute-of-limitations bar.” *Id.*

Woodson raises two arguments on appeal. First, he contends that the district court erred in failing to review his fifth rule

¹ We review de novo whether a district court had jurisdiction to consider a rule 60(b) motion as a successive habeas petition. See *Williams v. Chatman*, 510 F.3d 1290, 1293–94 (11th Cir. 2007).

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60(b) motion because the state court's judgment was void. But the judgment-is-void argument is an attack on the district court's merits determination that no grounds existed "entitling [Woodson] to habeas corpus relief." *See id.* By asserting that the district court's previous merits determination "was in error" because the underlying judgment was void, Woodson was effectively "making a habeas corpus claim" that could not be raised in a successive petition without our permission. *See id.*

Second, Woodson maintains that his fifth rule 60(b) motion should not have been dismissed because he attacked the district court's statute of limitations and exhaustion rulings, and did not challenge the resolution of his habeas claims on the merits. But Woodson misunderstands the district court's habeas order. The district court did not make a "previous ruling which precluded a merits determination," like "a denial for . . . failure to exhaust, procedural default, or statute-of-limitations bar." *Id.* The district court instead reached the merits of Woodson's habeas claim. By alleging that it was error to reach the merits of his habeas claim, as he does in his fifth rule 60(b) motion, because his claim was unexhausted and barred by the statute of limitations, Woodson does not attack "the integrity of the [habeas] proceedings, but in effect asks for a second chance to have the merits determined favorably." *See id.* at 532 n.5. Woodson does not get that second chance without our permission to file a successive claim. Because we never authorized Woodson to bring a successive claim, the district court correctly

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ruled that it lacked jurisdiction to hear the petition. *See Williams*, 510 F.3d at 1295.²

AFFIRMED.

² In his notice of appeal, Woodson also said he was appealing the denial of his rule 59 motion and the district court's imposition of restrictions on further pro se filings. But he has not raised these other issues in this initial brief, so we do not consider them on appeal. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680–82 (11th Cir. 2014).