

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10597
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TARRISH TELLIS,

a.k.a. Nuce,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 2:13-cr-00067-RAH-KFP-1

Before JORDAN, LUCK, and KIDD, Circuit Judges.

PER CURIAM:

Tarrish Tellis appeals the dismissal of his successive habeas motion under 28 U.S.C. section 2255. The government moves for

summary affirmance because the district court did not have jurisdiction to consider the successive motion. Because the government is clearly right as a matter of law, we grant the government's motion and affirm the district court's order.

I.

Tellis was indicted in 2013 for conspiring to defraud the Internal Revenue Service, stealing public money, and aggravated identity theft. Initially, Tellis entered into a plea agreement with the government and pleaded guilty. But he soon backtracked, moving to withdraw his guilty plea. The government did not oppose the motion, and the district court granted it.

After a trial, Tellis was convicted and sentenced to 223 months' imprisonment. Tellis filed a section 2255 motion in 2018 to vacate his conviction and sentence, alleging ineffective assistance of counsel in his plea negotiations. The district court denied the motion, and we denied a certificate of appealability.

In 2024, Tellis returned to the district court with a "Motion to Enforce a Plea Agreement and/or Motion for a Rule 410/*Kastigar* Hearing," asking it to order "specific performance" of the plea agreement, which he said would render his "convictions and sentences instantly reversed or overturned," or, in the alternative, an evidentiary hearing to determine whether the government breached his withdrawn plea agreement. Because Tellis sought to "challenge his conviction and sentence," the district court construed the motion as an unauthorized successive section 2255 motion and denied it.

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II.

“We review de novo the district court’s dismissal of a [section] 2255 motion as second or successive.” *McIver v. United States*, 307 F.3d 1327, 1329 (11th Cir. 2002). Because Tellis is pro se, we construe his pleadings liberally, but “this leniency does not give [us] license to serve as de facto counsel for [him], or to rewrite an otherwise deficient pleading in order to sustain an action.” *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168–69 (citation modified).

III.

The government moves for summary affirmance because Tellis’s new motion was unauthorized under section 2255. Summary disposition is appropriate where one party “is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). That is the case here.

Section 2255 permits a federal prisoner to move to vacate, set aside, or correct his sentence “upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack.” 28 U.S.C. § 2255(a). “Habeas petitioners are generally entitled to one fair opportunity to litigate the merits of their postconviction claims in federal court.” *Rivers v. Guerrero*, 605 U.S. 443, 450 (2025) (citation modified). But “when a person seeks to bring a subsequent

federal habeas challenge to his detention, the road gets rockier.” *Id.* (citation modified).

In order to file a “second or successive” section 2255 motion, a prisoner must first obtain our authorization certifying that the motion is based on either “newly discovered evidence” or “a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.” 28 U.S.C. § 2255(h); *see id.* § 2244(b)(3)(A). Without our authorization, the district court lacks jurisdiction to consider a successive section 2255 motion. *Farris v. United States*, 333 F.3d 1211, 1216 (11th Cir. 2003).

Here, the government is clearly correct as a matter of law that Tellis’s motion was an unauthorized section 2255 motion. *See Groendyke Transp., Inc.*, 406 F.2d at 1162. Tellis sought to have his “convictions and sentences instantly reversed or overturned.” And, as we’ve repeatedly emphasized, “a section 2255 motion is the exclusive remedy for a federal prisoner to collaterally attack his conviction and sentence.” *E.g., Antonelli v. Warden, USP Atlanta*, 542 F.3d 1348, 1351 n.1 (11th Cir. 2008).

Tellis nevertheless insists that the district court misconstrued his request to reverse and vacate his conviction and sentence because it interpreted his motion “literally” and ignored the government’s alleged breach of the withdrawn plea agreement. But section 2255 is also “used to enforce promises made in a plea agreement.” *See United States v. Al-Arian*, 514 F.3d 1184, 1191 (11th Cir.

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2008). Regardless of how Tellis characterizes his motion, it clearly sought relief that could only be granted under section 2255.

Tellis had already filed a section 2255 motion, which was denied with prejudice, so he had to obtain authorization from us before filing another one. *See* 28 U.S.C. § 2255(h). Because he did not, the district court properly determined that it lacked jurisdiction to consider his successive section 2255 motion. Thus, we GRANT the government's motion for summary affirmance and AFFIRM the district court's denial of Tellis's motion.¹

AFFIRMED.

¹ The government's summary affirmance motion asks to keep certain documents sealed, and Tellis also filed two motions to seal his filings to us. We GRANT the motions to seal. We DENY all other motions.