

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12638
Non-Argument Calendar

JUSTIN LASTER,

Candidate U.S. Congress Georgia 8th District,

Plaintiff-Appellant,

versus

GEORGIA SECRETARY OF STATE OFFICE,
GEORGIA SECRETARY OF STATE,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:25-cv-01187-TRJ

Before JORDAN, ABUDU, and KIDD, Circuit Judges.

PER CURIAM:

Justin Laster, proceeding *pro se*, appeals an order of the district court denying his post-judgment motion for an extension. After careful review, we affirm.

In December 2024, Laster filed an emergency application for injunctive relief in the United States District Court for the District of Columbia. He alleged that the Georgia Secretary of State, Brad Raffensperger, had unlawfully refused to place his name on the qualified registered list of write-in candidates for the 2024 General Election. The district court *sua sponte* transferred the case to the Northern District of Georgia. The district court in the Northern District of Georgia, acting under 28 U.S.C. § 1915(e)(2), dismissed Laster’s complaint as frivolous and malicious, concluding that it was nearly identical to a complaint Laster previously had filed in the same district which had been dismissed.

Laster appealed the order dismissing his complaint, but his appeal was dismissed for failure to prosecute. *See Laster v. Ga. Sec’y of State Off.*, No. 25-11068, 2025 WL 1766314 (11th Cir. May 29, 2025) (unpublished order).¹ Several weeks later, Laster filed a motion in the district court for an extension of time to “gather required voters’ signatures.” The district court denied that motion, referencing its prior conclusion that Laster’s complaint “was frivolous and malicious” and the fact that his appeal of that conclusion had

¹ Laster also appealed the dismissal of his previous case, but his appeal of that order was dismissed for want of prosecution as well. *Laster v. Ga. Sec’y of State*, No. 24-14183, 2025 WL 3853419 (11th Cir. July 21, 2025) (unpublished order).

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been dismissed for want of prosecution. Laster now appeals the denial of his post-judgment extension motion.

As a threshold matter, to the extent that Laster challenges the district court's conclusion that his complaint was frivolous and malicious, he cannot do so in this appeal; he previously appealed that order, and he cannot do so again. See *United States v. Arlt*, 567 F.2d 1295, 1297 (5th Cir. 1978) (noting that an “[a]ppellant is not entitled to two appeals”²); *United States v. Fiallo-Jacome*, 874 F.2d 1479, 1481–83 (11th Cir. 1989) (explaining that, under the circumstances, “there [wa]s no reason why [the appellant] should get ‘two bites at the appellate apple’” (citation omitted)). The only issue before us in this appeal is whether the district court erred in denying Laster's post-judgment motion for an extension.

We review the denial of a motion for an extension of time for an abuse of discretion. See *Young v. City of Palm Bay, Fla.*, 358 F.3d 859, 863 (11th Cir. 2004). The abuse of discretion standard is deferential, as it “allows for a ‘range of choice for the district court,’ as long as that choice is not a ‘clear error of judgment.’” *United States v. Beaufile*, 160 F.4th 1147, 1163 (11th Cir. 2025) (quoting *Rasbury v. IRS (In re Rasbury)*, 24 F.3d 159, 168 (11th Cir. 1994)). In addition, we construe *pro se* pleadings and briefs liberally. See *Wright v. Newsome*, 795 F.2d 964, 967 (11th Cir. 1986).

² Decisions of the Fifth Circuit prior to the close of business on September 30, 1981, are “binding as precedent in the Eleventh Circuit.” *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (*en banc*).

Liberally construing Laster's brief on appeal, *see id.*, we discern no abuse of discretion. The district court reasonably explained why it was denying Laster's motion for an extension of time: it had already dismissed Laster's complaint after concluding it was frivolous and malicious. Laster then failed to prosecute his appeal of that order, and his appeal was dismissed as well. Under those circumstances, there was no basis for the district court to grant Laster an extension to file anything further in the case; the district court proceedings were complete. Accordingly, we affirm.

AFFIRMED.