

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10665
Non-Argument Calendar

RAMON BLANCO,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:26-cv-20786-WPD

Before NEWSOM, BRASHER, and ANDERSON, Circuit Judges.

PER CURIAM:

Ramon Blanco, a federal prisoner proceeding pro se, appeals the district court's order dismissing his motion to vacate his sentence pursuant to 28 U.S.C. § 2255. On appeal, Blando argues that

in light of the Supreme Court’s ruling in *Bowe v. United States*, 607 U.S. 13 (2026), he may challenge his conviction on grounds litigated in his previous § 2255 motions.

Summary disposition is appropriate either where time is of the essence, such as “situations where important public policy issues are involved or those where rights delayed are rights denied,” or where “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

We review de novo whether the district court lacked subject matter jurisdiction to consider a § 2255 motion. *United States v. Ragland*, 168 F.4th 1345, 1352 (11th Cir. 2026). “Only a single § 2255 motion is authorized and successive attempts at relief are limited.” *Id.* (quoting *Boyd v. United States*, 754 F.3d 1298, 1301 (11th Cir. 2014)); *see also* 28 U.S.C. § 2244(b)(3)(A). “Section § 2255 plainly requires successive motions to be certified by the appropriate appeals court,” and “without certification, district courts have no subject matter jurisdiction to hear a successive § 2255 claim.” *Ragland*, 168 F.4th at 1352 (citing 28 U.S.C. § 2255(h)); *see also* *Burton v. Stewart*, 549 U.S. 147, 153 (2007) (stating that the district court lacked subject matter jurisdiction to entertain a successive § 2255 motion where the movant neither sought nor received authorization from the Ninth Circuit prior to filing his challenge).

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When the district court lacks subject matter jurisdiction to entertain a successive § 2255 motion, the proper remedy is for the district court to dismiss—rather than deny—the habeas petition for lack of jurisdiction. See *Burton*, 549 U.S. at 157 (remanding unauthorized successive § 2255 motion to the Ninth Circuit “with instructions to direct the District Court to dismiss the habeas petition for lack of jurisdiction”).

In *Bowe*, the Supreme Court abrogated *In re Baptiste*, 828 F.3d 1337 (11th Cir. 2016), which had held that 28 U.S.C. § 2244(b)(1)’s prohibition on state prisoners presenting claims in second or successive habeas applications that they had presented in a previous application also applied to federal prisoners filing motions for authorization. *Bowe*, 607 U.S. at 36-39. Accordingly, the Supreme Court held that § 2244(b)(1) does not apply to federal prisoners seeking to file second or successive motions pursuant to § 2255(h). *Id.* at 41-42.

We construe a pro se litigant’s pleadings liberally. *Alba v. Montford*, 517 F.3d 1249, 1252 (11th Cir. 2008). However, pro se litigants are not relieved from following procedural rules. *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007).

When the district court dismisses an unauthorized successive habeas motion for lack of subject matter jurisdiction, 28 U.S.C. § 2253(c)’s requirement that a certificate of appealability (“COA”) must be issued for an appeal to be taken “has no application” because the district court’s dismissal does not function as a final order in a habeas corpus proceeding. *Hubbard v. Campbell*, 379 F.3d 1245,

1247 (11th Cir. 2004). However, we retain jurisdiction to review the court's order of dismissal under 28 U.S.C. § 1291. *Id.*

Here, as an initial matter, because Blanco appeals from the district court's order dismissing his unauthorized successive § 2255 motion for lack of subject matter jurisdiction, the issuance of a COA is not required to review the court's dismissal.

The government has shown that its position is clearly correct as a matter of law and that Blanco's appeal is frivolous. Blanco filed his first § 2255 motion in 2010, which the district court denied with prejudice. Therefore, the district court correctly determined that it lacked subject matter jurisdiction to entertain Blanco's present successive § 2255 motion because he did not seek and obtain authorization from us prior to filing it in the district court. The Supreme Court's decision in *Bowe* merely held that § 2244(b)(1) does not bar federal prisoners from raising claims in a second or successive motion for authorization that they already raised in a previous motion, but the *Bowe* decision did not alter the requirement to obtain authorization before filing a second or successive § 2255 motion in the district court. Accordingly, we grant the government's motion for summary affirmance. *See Groendyke*, 406 F.2d at 1162.

AFFIRMED.