

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 26-11833  
Non-Argument Calendar

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BRADY LAVICK ADAMS,

*Petitioner-Appellant,*

*versus*

UNITED STATES OF AMERICA,

*Respondent-Appellee.*

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Appeal from the United States District Court  
for the Northern District of Florida  
D.C. Docket No. 4:21-cv-00513-WS-MAL

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Before ABUDU, KIDD, and ANDERSON, Circuit Judges.

PER CURIAM:

Over thirty years ago, Brady Adams was convicted of kidnapping his wife, using and carrying a firearm during the kidnapping, and being a felon in possession of a firearm. *See United States*

*v. Adams*, 83 F.3d 1371, 1371–72 (11th Cir. 1996). The district court sentenced Adams to life imprisonment for the kidnapping count, a concurrent 360-month sentence on the felon-in-possession count, and a consecutive 60-month sentence for the 18 U.S.C. § 924(c) count. Adams appealed only his kidnapping conviction, and we affirmed. *See id.* at 1375.

In the years that followed, Adams pursued several collateral challenges to his convictions and sentences, which resulted in the vacatur of his § 924(c) conviction and the reduction of his sentence for the felon-in-possession conviction to 120 months of imprisonment. But the district court declined to revisit Adams’s life sentence for kidnapping.

As relevant here, Adams, proceeding pro se, filed his fourth 28 U.S.C. § 2255 motion in March 2022, which the district court denied nearly three years later. The following year, Adams filed two post-judgment motions. First, Adams filed a “petition for writ of mandamus to compel recusal of district judge,” arguing that the judge who had ruled on his previous filings was biased against him. Second, he filed an “‘emergency’ motion for relief from void judgment,” in which he argued, pursuant to Federal Rule of Civil Procedure 60(b)(4), that the court should “vacate [his] current conviction and sentence” because the government failed to disclose allegedly exculpatory evidence during his criminal trial, in violation of *Brady v. Maryland*, 373 U.S. 83 (1963).

The district judge denied both motions. The judge found no basis to disqualify himself from the proceedings, because “the case

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ha[d] been properly assigned to [him] through procedures having nothing to do with the merits or the specific circumstances of th[e] case,” and, in any event, Adams’s allegations fell “far short” of the “pervasive bias” requiring recusal. As to the Rule 60(b)(4) motion, the judge found that Adams failed to allege the occurrence of a *Brady* violation or that any purported error affected the outcome of his case. He further observed that Adams could obtain relief for any purported *Brady* violation only under § 2255, and he had not sought authorization from our Court to file a successive § 2255 motion. The district judge therefore concluded that the court lacked jurisdiction to consider the motion.

Adams now appeals. The government, in turn, moves for summary affirmance. Summary disposition is appropriate either where, as relevant here, “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).

As an initial matter, despite designating the order denying his recusal motion in his notice of appeal, Adams does not raise any challenge to that order either in his initial brief or in his response to the government’s motion for summary affirmance. As such, he has abandoned any argument that the district judge abused his discretion in failing to recuse himself. *See United States v. Campbell*, 26 F.4th 860, 871 (11th Cir. 2022) (en banc) (“Typically, issues not raised in the initial brief on appeal are deemed abandoned.”); *see*

also *Jenkins v. Anton*, 922 F.3d 1257, 1271 (11th Cir. 2019) (noting that we generally “review a judge’s decision not to recuse him or herself for an abuse of discretion” (citation modified)).

Adams does, however, offer arguments as to why the district court erred in denying his Rule 60(b)(4) motion, as he maintains that a *Brady* violation occurred in his underlying criminal proceedings. We review de novo questions of the district court’s jurisdiction, including the determination that a filing is, in substance, a successive § 2255 motion. *United States v. Taylor*, 152 F.4th 1297, 1304 (11th Cir. 2025).

Rule 60(b) provides that the district court may relieve a party from a final judgment, order, or proceeding where “the judgment is void[.]” Fed. R. Civ. P. 60(b)(4). Rule 60(b) generally permits relief from a § 2255 judgment. *See Williams v. Chatman*, 510 F.3d 1290, 1293 (11th Cir. 2007). However, a motion filed pursuant to this rule cannot provide relief from a criminal judgment, *United States v. Mosavi*, 138 F.3d 1365, 1366 (11th Cir. 1998), or be used to circumvent the prohibition on filing a successive § 2255 motion without this Court’s permission, *see Williams*, 510 F.3d at 1293–94.

In this case, the government is clearly correct as a matter of law that the district court properly treated Adams’s Rule 60(b) motion as an unauthorized successive § 2255 motion. *Davis*, 406 F.2d at 1162. Adams’s 60(b)(4) motion did not challenge the integrity of the judgment denying his fourth § 2255 motion. Rather, he sought to attack his underlying kidnapping conviction by alleging new grounds for § 2255 relief—that the government committed *Brady*

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violations in his original trial. *See Gonzalez v. Crosby*, 545 U.S. 524, 532 (2005) (explaining that a Rule 60(b) motion should be treated as a successive § 2255 motion if it “seeks to add a new ground for relief”); *see also Williams*, 510 F.3d at 1294 (concluding that *Brady* violations alleged in a Rule 60(b) motion were “merits related claims that [we]re, in substance, part of a successive petition as defined in *Gonzalez*”).

To raise new claims such as this, Adams was required to move this Court for authorization to file a successive § 2255 motion. *See* 28 U.S.C. § 2255(h), *cross-referencing* 28 U.S.C. § 2244. Because Adams did not do so, the district court properly concluded that it lacked jurisdiction to consider the arguments raised in Adams’s Rule 60(b) motion. *See Williams*, 510 F.3d at 1295; *Farris v. United States*, 333 F.3d 1211, 1216 (11th Cir. 2003).

Accordingly, we GRANT the government’s motion for summary affirmance and **AFFIRM** the denial of Adams’s motions to recuse the district judge and for Rule 60(b)(4) relief.