

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 8, 2013

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

In re: LAURA ANJENNETTE
WETZEL-SANDERS,

Movant.

No. 13-3196
(D.C. Nos. 5:13-CV-04034-SAC &
5:04-CR-40156-SAC-1)
(D. Kan.)

ORDER

Before **KELLY, HARTZ, and MATHESON**, Circuit Judges.

Laura Anjennette Wetzel-Sanders, proceeding pro se, moves for the second time for authorization to file a second or successive 28 U.S.C. § 2255 motion challenging her sentence for bank robbery. Again, we deny authorization.

Our recent order in *In re Wetzel-Sanders*, No. 13-3123 (10th Cir. June 6, 2013), sets forth the history of her legal proceedings. We will not repeat that history.

In her current motion for authorization, Ms. Wetzel-Sanders contends that authorization should be granted because she has new evidence from July of 2013 concerning a diagnosis of borderline personality disorder that could have caused a finding of not guilty of bank robbery and because her trial counsel was ineffective for not presenting proper evidence of her mental illness. As we stated in our recent order, we will grant authorization only upon her prima facie showing of (1) “newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable

factfinder would have found [her] guilty of” bank robbery; or (2) “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).

Ms. Wetzel-Sanders again fails to meet either requirement. She fails to point to any new law and her new evidence concerning her mental illness is insufficient to permit authorization. Congress limits authorization to claims of “newly discovered evidence suggestive of innocence.” *Prost v. Anderson*, 636 F.3d 578, 583-84 (10th Cir. 2011). She, however, makes no argument that she is innocent of bank robbery, i.e., that she did not rob the bank; she suggests only that the new evidence could have made a difference in the finding of guilt.

Accordingly, we deny Ms. Wetzel-Sanders’s motion for authorization. This denial of authorization “shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.” 28 U.S.C. § 2244(b)(3)(E). We also deny Ms. Wetzel-Sanders’s request for oral argument.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk