

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**July 30, 2013**

**Elisabeth A. Shumaker  
Clerk of Court**

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In re: DONTE LAMONTE PARKER,

Movant.

No. 13-6174  
(D.C. Nos. 5:11-CV-01426-F &  
5:10-CR-00118-F-1)  
(W.D. Okla.)

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**ORDER**

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

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Donte Lamonte Parker, a federal prisoner proceeding pro se, seeks authorization to file a second or successive 28 U.S.C. § 2255 motion. Because Mr. Parker cannot meet the requisite conditions for authorization, we deny the motion.

In June 2010, Mr. Parker pled guilty to possession with intent to distribute fourteen grams of crack cocaine. At sentencing, the judge found him responsible for 765 grams of crack cocaine and took into account his career offender status. In December 2010, Mr. Parker was sentenced to 200 months' imprisonment. He did not file a direct appeal.

In December 2011, Mr. Parker filed a § 2255 motion, arguing that his counsel was ineffective in negotiating his plea agreement and failing to file an appeal after being requested to do so. The district court denied the motion and we denied his request for a certificate of appealability.

Mr. Parker now seeks to file a second or successive § 2255 motion, arguing that his sentence should be reduced based on the Fair Sentencing Act of 2011's reduction in the sentences for crack cocaine offenses. Mr. Parker may receive authorization if he shows that his claim relies on "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)(2). He contends he is entitled to authorization based on a new rule of constitutional law allegedly announced in *Dorsey v. United States*, 132 S. Ct. 2321 (2012). But we have already held that *Dorsey* does not meet the standard for authorization in § 2255(h)(2) because it did not announce a new rule of constitutional law, but instead involved a question of statutory interpretation. *See In re Shines*, 696 F.3d 1330, 1332 (10th Cir. 2012) (per curiam).

Because Mr. Parker cannot meet the standard for authorization set forth in § 2255(h)(2), we deny his motion. 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).

Entered for the Court



ELISABETH A. SHUMAKER, Clerk