

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, TALLAHASSEE DIVISION

Strange v. Secretary, Department of Corrections

Strange · No. 4:12cv505/MW/ZCB · Decided February 12, 2026

SUMMARY

The magistrate judge recommends denying Steve Strange’s motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(6) and dismissing the matter for lack of jurisdiction. The recommendation concludes that the motion constitutes an unauthorized successive 28 U.S.C. § 2254 habeas petition because it attacks a prior merits determination and raises a new substantive claim, and that the motion to supplement the record should be denied as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Tallahassee Division
WRITING FOR THE COURT	Zachary C. Bolitho
JURISDICTION	United States District Court for the Northern District of Florida, Tallahassee Division
DECIDED	February 12, 2026
DOCKET	4:12cv505/MW/ZCB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on a pro se motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(6) and a motion to supplement the record in a closed 28 U.S.C. § 2254 habeas proceeding.
STANDARD OF REVIEW	Jurisdictional review of a purported Rule 60(b) motion to determine whether it is, in substance, a successive § 2254 petition; a district court lacks jurisdiction to consider an unauthorized successive petition.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation by a federal magistrate judge; subject to adoption, modification, or rejection by the district judge.
PARTIES	Steve A. Strange v. Secretary, Department of Corrections

TOPICS

federal habeas corpus

successive petitions

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subject matter jurisdiction

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Strange's Rule 60(b)(6) motion was an impermissible successive § 2254 habeas petition because it attacked the prior merits resolution of a claim and asserted a new substantive ground for relief.
2. Whether the district court had jurisdiction to consider the motion without authorization from the Eleventh Circuit under 28 U.S.C. § 2244(b)(3)(A).
3. Whether the motion to supplement the record should be denied as moot.

HOLDINGS

1. A Rule 60(b) motion constitutes a successive § 2254 habeas petition when it raises a new substantive ground for relief or attacks the habeas court's prior merits resolution of a claim.
2. A district court lacks jurisdiction to consider a successive § 2254 petition filed without authorization from the appropriate court of appeals.

KEY QUOTATIONS

“Because Petitioner’s Rule 60(b)(6) motion raises a new ground for substantive relief and attacks the previous merits-based resolution of a claim, it qualifies as a successive habeas petition.” (at 3-4)

“Accordingly, Petitioner’s Rule 60(b)(6) motion should be denied and this matter dismissed for lack of jurisdiction.” (at 4)

FACTUAL BACKGROUND

Strange was convicted after a 2007 Florida jury trial of attempting to elude a law enforcement officer, driving under the influence, and driving while his license was canceled, suspended, or revoked. He received a thirty-five-year sentence. After his state appellate and post-conviction proceedings were unsuccessful, his federal § 2254 petition was denied, including a claim that counsel advised him to reject a favorable plea offer. His later Rule 60(b)(6) motion sought to relitigate that claim and raised a new challenge to a Florida habitual-felony-offender sentence enhancement.

PROCEDURAL HISTORY

Strange was convicted in Florida state court and unsuccessfully pursued state post-conviction relief. He then filed an amended § 2254 petition in the Northern District of Florida; the district court rejected his ineffective-assistance claim on the merits, and the Eleventh Circuit denied a certificate of appealability. Strange later filed a Rule 60(b)(6) motion seeking to relitigate that claim and asserting a new habeas ground based on *Erlinger v.*

United States. The magistrate judge recommended denying the motion and dismissing the matter for lack of jurisdiction because it constituted an unauthorized successive habeas petition, and recommended denying the motion to supplement as moot.

DISPOSITION

dismissed

CASES CITED

- *Strange v. Secretary, Department of Corrections*, No. 4:12cv505, 2015 WL 3999444 (N.D. Fla. June 30, 2015)
- *Strange v. Secretary, Department of Corrections*, No. 15-13255 (11th Cir. Dec. 2, 2015)
- *Gonzalez v. Crosby*, 545 U.S. 524, 530-32 (2005)
- *Williams v. Chatman*, 510 F.3d 1290, 1293-94 (11th Cir. 2007)
- *Burton v. Stewart*, 549 U.S. 147, 152 (2007)
- *Fugate v. Department of Corrections*, 301 F.3d 1287, 1288 (11th Cir. 2002)
- *Bowles v. Secretary, Florida Department of Corrections*, 935 F.3d 1176, 1182 (11th Cir. 2019)
- *Erlinger v. United States*, 602 U.S. 821 (2024)
- *Osbourne v. Secretary, Florida Department of Corrections*, 968 F.3d 1261, 1264 n.3 (11th Cir. 2020)

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