

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-3041

September Term, 2023

1:12-cr-00266-ABJ-2

Filed On: June 20, 2024

United States of America,

Appellee

v.

Dwight Knowles, also known as Dwight, also
known as Arizona,

Appellant

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Wilkins, Childs, and Pan, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, it is

ORDERED AND ADJUDGED that the district court's February 24, 2023 order denying appellant's motion for relief under 28 U.S.C. § 2255 be affirmed. The district court concluded that appellant's claims based on a May 20, 2012 wiretap were procedurally defaulted and that he had shown neither cause and prejudice nor actual innocence to overcome the default. Appellant has forfeited any challenge to the district court's conclusion by failing to raise it in his opening brief. See United States v. Powers, 885 F.3d 728, 734 (D.C. Cir. 2018) (arguments first raised in a reply brief are forfeited). To the extent that appellant seeks to raise additional claims on appeal, this court does not consider them because they are outside the scope of the district court's certificate of appealability and either do not involve the denial of a constitutional right or were first raised on appeal. See 28 U.S.C. § 2253(c); Waters v. Lockett, 896 F.3d 559, 571–72 (D.C. Cir. 2018).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam