

Supreme Court, U.S.
FILED

MAY 10 2022

OFFICE OF THE CLERK

IN THE UNITED
STATES SUPREME COURT 21A746

TIMOTHY DANE TILLMAN,
PETITIONER,

VS.

JILL PRYOR, UNITED
STATES CIRCUIT JUDGE,
FOR THE ELEVENTH
CIRCUIT,
RESPONDENT.

MOTION FOR AN EXTENSION
OF TIME PURSUANT TO RULE
30, SUPREME COURT RULES

PRO-SE MOTION

Timothy Dane Tillman

AIS # 269649

Hamilton Work-Release

P.O. Box 280

Hamilton, Alabama 35570

RECEIVED

MAY 19 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE UNITED
STATES SUPREME
COURT

Timothy Dane Tillman,
Petitioner,

VS.

Case No.:

Jill Pryor, United
States Circuit Judge,
For The Eleventh Circuit,
Respondent.

MOTION FOR AN EXTENSION
OF TIME PURSUANT TO RULE
30, SUPREME COURT RULES

COMES NOW, the Petitioner, Timothy
Dane Tillman, hereinafter "Petitioner," by and
through himself Pro-se, and Makes his Motion
For An Extension Of Time Pursuant To RULE
30, SUPREME COURT RULES. Petitioner
Shows this Honorable Court the following in
Support thereof to wit:

FACT(S)

Upon This Motion For An Extension of Time
This Honorable Court has the jurisdiction to rule
Petitioner Shows This Honorable Court that

CONCLUSION

Therefore, Petitioner needs a 45 day Extension of
Petition, has a limited time in the law library
Petitioner Shows This Honorable Court that

needs a 45 day Extension of Time.
Petitioner is only a lay-man, therefore, Petitioner
Petitioner Shows This Honorable Court that

To file his certificate with This Honorable
Petitioner needs a 45 day Extension of Time
Petitioner Shows This Honorable Court that

Petitioner's Certificate of Appealability (See
Circuit Judge for the Eleventh Circuit, Denied
on 03/10/2022, Honorable J. W. Rogers, United States
Petitioner Shows This Honorable Court that

Harmilton, Alabama 35570

F.C. Box 280

Harmilton Work-Release

AIS#269649

Imathy Dame Tillman

Imathy Dame Tillman
Respectfully Submitted

DONE THIS 5th DAY OF MAY 2022.

WHEREFORE, Petitioner Prays that this Honorable Court will grant Petitioner a 45 day Extension of Time to file a writ of certiorari and any other further relief that Petitioner may be entitled to under the United States Constitution.

REQUESTED RELIEF

purposant United States Constitution Article III shall extend to all cases in law and equity, arising under their authority....

States, and treaties made, or which shall be made, under this Constitution, the laws of the United States, and treaties made, or which shall be made,

which mandates in part: "The judicial power

shall extend to all cases in law and equity, arising

under this Constitution, the laws of the United

States, and treaties made, or which shall be made,

under their authority...."

VERIFICATION OF
OATH SUBJECT TO
THE PENALTY OF
PERJURY

I, Timothy Dane Tillman, do hereby swear under
Oath Subject to the Penalty of Perjury, that the
information herein contained, is true and correct
to the best of my knowledge, information, and
belief.

DONE THIS 5TH DAY OF MAY 2022.



Timothy Dane Tillman

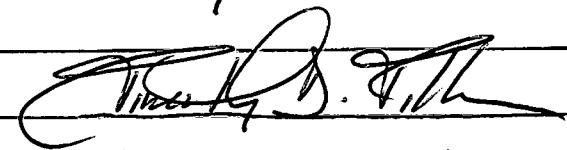
AIS#269649

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Hamilton, Alabama 35570

PROOF OF SERVICE

I, Timothy Dane Tillman, do hereby certify that
I have served a correct copy of the same to
the Alabama District Attorney, by placing a true
and correct copy in the United States mail postage
prepaid on this 5TH day of MAY 2022.



Timothy Dane Tillman

AIS#269649

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P.O. Box 280

Hamilton Alabama 35570

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-13802-J

TIMOTHY DANE TILLMAN,

Petitioner-Appellant,

versus

WARDEN,
ATTORNEY GENERAL OF THE STATE OF ALABAMA,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Alabama

ORDER:

Timothy Dane Tillman is an Alabama prisoner serving life imprisonment for murder. In his instant 28 U.S.C. § 2254 habeas corpus petition, Mr. Tillman asserted that: (1) the trial court erred when it denied Mr. Tillman's motion for a continuance of the trial to allow for counsel of choice and more adequate trial preparation; and (2) trial counsel was ineffective by failing to include Mr. Tillman's right to counsel of choice in trial counsel's motion for continuance.¹ Mr. Tillman now moves for a certificate of appealability ("COA").

¹ In his § 2254 petition, Mr. Tillman raised 13 other claims related to ineffective assistance of trial and appellate counsel, and trial court errors. In his counseled COA, however, he only challenges the denial of two claims. He has, thus, abandoned the remaining 13 claims. See *Jones v. Sec'y, Dep't of Corr.*, 607 F.3d 1346, 1353-54 (11th Cir. 2010) (stating that we "will not entertain the possibility of granting a certificate of appealability" where the petitioner "does not provide facts, legal arguments, or citations of authority that explain why he is entitled to a certificate . . .").

To obtain a COA, a movant must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). If the district court denied a constitutional claim on the merits, the movant must demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” or that the issues “deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotation marks omitted).

Here, reasonable jurists would not debate the district court’s determination that the state court’s resolution of Claim 1 was not contrary to, or an unreasonable application of, clearly established federal law, as determined by the Supreme Court, or based on an unreasonable determination of the facts. 28 U.S.C. § 2254(d)(1), (2). In light of the record, the trial court did not abuse its broad discretion in denying Mr. Tillman’s motion for continuance, nor was its denial “an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay.” *See Morris v. Slappy*, 461 U.S. 1, 11 (1983) (explaining that “broad discretion must be granted trial courts on matters of continuances,” and, thus, “only an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay violates the right to the assistance of counsel”).

Further, reasonable jurists would not debate the district court’s determination that the state court’s resolution of Claim 2 was not contrary to, or an unreasonable application of, clearly established federal law, as determined by the Supreme Court, or based on an unreasonable determination of the facts. 28 U.S.C. § 2254(d)(1), (2). The state post-conviction court reasonably found that Mr. Tillman cannot show that trial counsel was ineffective for failing to move for a continuance based on choice of counsel because Mr. Tillman cannot demonstrate that, had Jacobs moved to continue the trial based on choice of counsel when he originally moved for a continuance,

the trial court would have granted the continuance. **See Strickland v. Washington**, 466 U.S. 668, 694 (1984); **see also Bolender v. Singletary**, 16 F.3d 1547, 1573 (11th Cir. 1994) (“[T]he failure to raise nonmeritorious issues does not constitute ineffective assistance.”).

Accordingly, Mr. Tillman’s motion for a COA is DENIED.

/s/ Jill Pryor
UNITED STATES CIRCUIT JUDGE