

Supreme Court, U.S.  
FILED

MAY 10 2022

OFFICE OF THE CLERK

IN THE UNITED  
STATES SUPREME COURT 21A746

TIMOTHY DANE TILLMAN,  
PETITIONER,

V.S.

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

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SUPREME COURT, U.S.

IN THE UNITED  
STATES SUPREME  
COURT

Timothy Dane Tillman,  
Petitioner,

V.S.

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)

1. Petitioner, shows this Honorable Court that on 02/10/2022, Honorable J. Ill Pryor, United States Circuit Judge for the Eleventh Circuit, Denied Petitioner's Certificate of Appealability (See Exhibit A)

2. Petitioner, shows this Honorable Court that Petitioner, needs a 45 day Extension of time to file his writ of certiorari with this Honorable Court

3. Petitioner, shows this Honorable Court that Petitioner, is only a lay-man, therefore, Petitioner needs a 45 day Extension of time.

4. Petitioner, shows this Honorable Court that Petitioner, has a limited time in the Law Library, therefore, Petitioner needs a 45 day Extension of time.

## CONCLUSION

Petitioner, shows this Honorable Court that this Honorable Court has the jurisdiction to rule upon this Motion For An Extension of Time

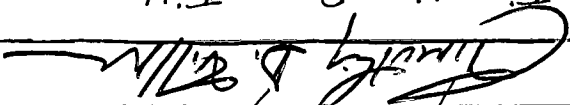
pursuant United States Constitution Article III  
§2, which mandates in part: "The judicial power  
shall extend to all cases, in law and equity, arising  
under this Constitution, the laws of the United  
States, and treaties made, or which shall be made,  
under their authority..."

## REQUESTED RELIEF

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.

DONE THIS 5<sup>TH</sup> DAY OF MAY

2022.

Respectfully submitted,  


Timothy Dane Tillman

AIS #269649

Hamilton Work-Release

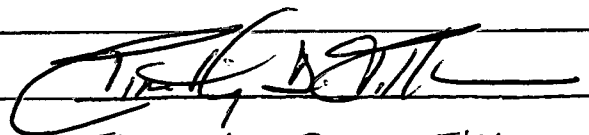
P.O. Box 280

Hamilton, Alabama 35570

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 5<sup>TH</sup> DAY OF MAY 2022.



Timothy Dane Tillman

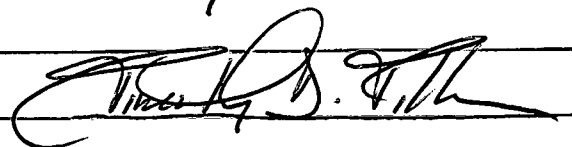
ATS#269649

Hamilton Work-Release

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 5<sup>TH</sup> day of MAY 2022.



Timothy Dane Tillman

ATS#269649

Hamilton Work-Release

P.O. Box 280

Hamilton Alabama 35570

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-13802-J

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TIMOTHY DANE TILLMAN,

Petitioner-Appellant,

versus

WARDEN,  
ATTORNEY GENERAL OF THE STATE OF ALABAMA,

Respondents-Appellees.

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

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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.<sup>1</sup> Mr. Tillman now moves for a certificate of appealability ("COA").

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<sup>1</sup> 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