

CAUSE NO. 25-40232

TYVON GULLATT § SCOTT, HARRIS
§ SUPREME COURT OF THE UNITED
V.S § STATES
§ ONE FIRST STREET, NE
STATE OF TEXAS § WASHINGTON, DC 20543

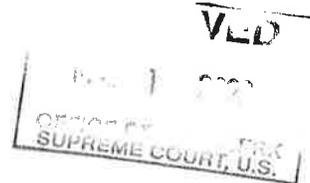
MOTION FOR EXTENSION OF TIME TO FILED BRIEF

Comes now, Tyvon Gullatt, Case no. 25-40232, here respectfully move this Honorable Court for an extension of time to file the brief in the above-reference matter.

Due to the recent and unfortunate passing of my aunt has caused significant emotional distress and has impacted on my ability to adequately prepare for my case. Additionally, I am the defendant currently without legal representation which has further hindered my ability to proceed effectively by the original deadline. In light of these circumstances, I respectfully request an extension of 45 days to file a brief, making the new deadline April 2, 2026. I assure the court that this extension will not unduly prejudice the proceeding and remain committed to diligently completing the brief as soon as possible. Thank you for your understanding and consideration.



Respectfully submitted,
Tyvon Gullatt,
TDCJ NO.02239055
Coffiel Unit
Tennessee Colony, Texas
75884



United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 6, 2025

Lyle W. Cayce
Clerk

No. 25-40232

TYVON GULLATT,

Petitioner—Appellant,

versus

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Application for Certificate of Appealability
the United States District Court
for the Eastern District of Texas
USDC No. 5:22-CV-35

UNPUBLISHED ORDER

Before GRAVES, HO, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

Tyvon Gullatt, Texas prisoner # 2239055, moves for a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 application challenging his conviction and sentence for murder. He argues that the district court erred by denying on the merits his claims that the prosecutor

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violated his due process rights by knowingly eliciting false testimony at trial and that his trial counsel rendered ineffective assistance in several respects.

To obtain a COA with respect to the denial of a § 2254 application, a prisoner must make “a substantial showing of the denial of a constitutional right” by “showing that reasonable jurists could debate whether . . . the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (internal quotation marks and citation omitted); *see* 28 U.S.C. § 2253(c)(2). When constitutional claims have been rejected on the merits, the prisoner must show “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*, 529 U.S. at 484.

Gullatt fails to make the necessary showing. Accordingly, his motion for a COA is DENIED. As Gullatt fails to make the required showing for a COA on his constitutional claims, we do not reach the question whether the district court erred by denying an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534-35 (5th Cir. 2020).