

THE UNITED STATES SUPREME COURT

MANUEL A. AYALA,

Petitioner

v.

CASE NO. 25.11867

FLORIDA,

RESPONDENT,

MOTION FOR EXTENSION OF TIME

Petitioner, MANUEL A. AYALA, pro se, respectfully asks this honorable court for a 60 day extension of time to file his petition for Certiorari, regarding the decision of the U.S. 11th Circuit Court of Appeal in case no. 25.11867.

In Support, petitioner states;

1. After the District court denied Petitioner's application for 2254 habeas Corpus, petitioner appealed to the U.S. 11th Circuit Court of Appeal.
2. On January 6th, 2026, the 11th Circuit denied petitioner's application for Certificate of Appealability.
3. On March 2, 2026, the 11th Circuit denied Petitioner's Motion for Reconsideration, Petitioner's 90 day deadline for Certiorari.

MAY 29 2026

FOR MAILING
INMATE INITIALS

(Handwritten initials)

RECEIVED
JUN 15 2026
OFFICE OF THE CLERK
SUPREME COURT U.S.

4. In March of 2026, Petitioner was incarcerated at the MAYO CORRECTIONAL INSTITUTION ANNEX, and a law clerk there was assigned to type out Petitioner's finished Certiorari Petition.

5. Prior to Completion of typing Petitioner's Certiorari Petition, Petitioner was transferred to FRANKLIN CORRECTIONAL INSTITUTION, without being allowed to retrieve his paperwork from the law library.

6. Petitioner has been awaiting for the completed typed Petition from the MAYO CORRECTIONAL INSTITUTION ANNEX LAW LIBRARY, BUT SAID PAPERWORK has not arrived to the FRANKLIN CORRECTIONAL INSTITUTION, where Petitioner is presently housed.

7. Petitioner has documented the request(s) for the legal documents that are at Petitioner's prior INSTITUTION. TO DATE, There has not been any legal documents mailed to Petitioner's present Institution.

Therefore, considering the facts stated above, Petitioner humbly requests for a 60 day extension of time to file his Petition for Certiorari.

OATH

Under Penalties of Perjury the undersigned hereby respectfully attests that he has read

This Motion and the foregoing facts presented are true, accurate and correct, and that this Motion for Extension of Time is submitted in good faith.

Manuel A. Ayala #146246

MANUEL A. AYALA, pro se
DC# 146246

CERTIFICATE OF MAILING SERVICE

I HEREBY CERTIFY, that the foregoing Motion was placed in the hands of FRANKLIN CORRECTIONAL INSTITUTION Mailroom officials for mailing via US MAIL to: OFFICE OF THE ATTORNEY GENERAL, TAMPA REGIONAL OFFICE, 3507 E. FRONTAGE ROAD, SUITE 200, TAMPA, FLORIDA 33607 on this 29th day of May, 2026.

Manuel A. Ayala #146246

MANUEL A. AYALA, pro se
DC# 146246

FRANKLIN CORRECTIONAL INSTITUTION
1760 HWY 67 N.
CARROLLTON, FLORIDA 33322

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

January 06, 2026

Manuel A. Ayala
Mayo CI - Inmate Legal Mail
8784 US HWY 27 W
MAYO, FL 32066-3458

Appeal Number: 25-11867-D
Case Style: Manuel Ayala v. Secretary, Department of Corrections, et al
District Court Docket No: 8:18-cv-02644-TPB-TGW

The enclosed copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11867

MANUEL A. AYALA,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:18-cv-02644-TPB-TGW

ORDER:

Manuel Ayala, a Florida prisoner serving 30 years' imprisonment for burglary of an occupied conveyance, petit theft, and fraudulent use of a credit card, moves for a certificate of appealability ("COA"), as construed from his notice of appeal, in order to appeal the district court's denial of his 28 U.S.C. § 2254 habeas corpus petition.

To merit a COA, Ayala must show that reasonable jurists would find debatable both (1) the merits of an underlying claim, and (2) the procedural issues that he seeks to raise. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). To succeed on an ineffective-assistance claim in a § 2254 petition, a petitioner must establish that the relevant state court decision was contrary to, or an unreasonable application of, *Strickland v. Washington*, 466 U.S. 668, 687 (1984). *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011). Under *Strickland*, a petitioner must show that (1) his attorney's performance was deficient, and (2) the deficient performance prejudiced his defense. *Strickland*, 466 U.S. at 687.

Here, Ayala has failed to make the requisite showing. Reasonable jurists would not debate the denial of Claim 1 because Ayala cannot show prejudice from counsel's failure to object to a portion of his recorded statement, in light of the evidence against him at trial, including his admission to knowingly using the stolen credit cards. Further, Ayala and his co-defendant testified at trial that Ayala did not know of the criminal plan ahead of time, and the jury was free to believe the opposite. *See United States v. Thompson*, 422 F.3d 1285, 1292 (11th Cir. 2005) (holding that credibility determinations are the exclusive province of the jury); *United States v. Brown*, 53 F.3d 312, 314 (11th Cir. 1995) (holding that, when a defendant chooses to testify, he runs the risk that, if disbelieved, "the jury might conclude the opposite of his testimony is true.").

As to Claim 2, Ayala has not shown that he was entitled to an independent act jury instruction because no evidence at trial

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supported that he engaged in a common design or plan. *See Williams v. State*, 34 So.3d 768, 772 (Fla. Dist. Ct. App. 2010). Further, as to Claim 3, the prosecutor was permitted to test the plausibility of Ayala's testimony and his comments at closing argument were not improper. *United States v. Demarest*, 570 F.3d 1232, 1242 (11th Cir. 2009); *United States v. Baker*, 432 F.3d 1189, 1252 (11th Cir. 2005), *abrogated on other grounds by Davis v. Washington*, 547 U.S. 813 (2006).

Finally, reasonable jurists would not debate the district court's decision that Ayala did not show cause to excuse his procedural default of Claims 6-8 and 11, under *Martinez v. Ryan*, 566 U.S. 1 (2012), because none of these claims were substantial. Regarding Claim 6, Ayala has not shown that an instruction on accessory after the fact was warranted, and he cannot show prejudice from counsel's failure to request a trespass instruction because the jury convicted him of the greater offense, burglary of an occupied conveyance, and, therefore, it would have been prohibited from convicting him of the lesser-included offense. *Sanders v. State*, 946 So. 2d 953, 958 (Fla. 2006). As to Claim 7, Ayala did not provide specific details as to how his statements were coerced. *See Tejada v. Dugger*, 941 F.2d 1551, 1559 (11th Cir. 1991) (holding that conclusory statements unsupported by specific facts or by the record are insufficient). Further, in light of the *Miranda* warning, he cannot show that counsel's objection based on coercion would have succeeded. *See Colorado v. Spring*, 479 U.S. 564, 576 (1987) (noting that it "seems self-evident that one who is told he is free to refuse to answer questions is in a curious posture to later complain that his answers were compelled.").

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As to Claim 8, Ayala speculated as to what these witnesses would have testified. *See McKiver v. Sec’y, Fla. Dep’t of Corr.*, 991 F.3d 1357, 1365 (11th Cir. 2021) (holding that a petitioner’s burden of showing prejudice “is particularly heavy where the petitioner alleges ineffective assistance in failing to call a witness because often allegations of what a witness would have testified to are largely speculative.”). Further, this evidence would have been cumulative, and “[i]t is well-established that trial counsel cannot be ineffective for failing to present cumulative evidence.” *Peterson v. State*, 154 So. 3d 275, 283 (Fla. 2014). As to Claim 11, the court sentenced him as a habitual violent felony offender based on a prior robbery conviction—which was permissible under Florida law—not a conviction for fraudulent use of a credit card. Fla. Stat. 775.084(1)(b)(1).

Accordingly, Ayala’s motion for a COA is DENIED. His motion to proceed *in forma pauperis* is DENIED AS MOOT.



UNITED STATES CIRCUIT JUDGE

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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March 02, 2026

Manuel A. Ayala
Mayo CI - Inmate Legal Mail
8784 US HWY 27 W
MAYO, FL 32066-3458

Appeal Number: 25-11867-D
Case Style: Manuel Ayala v. Secretary, Department of Corrections, et al
District Court Docket No: 8:18-cv-02644-TPB-TGW

The enclosed order has been ENTERED.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

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MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11867

MANUEL A. AYALA,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:18-cv-02644-TPB-TGW

Before LAGOA and ABUDU, Circuit Judges.

BY THE COURT:

Pursuant to 11th Cir. R. 22-1(c) and 27-2, Manuel Ayala moves for reconsideration of this Court's January 6, 2026, order denying a certificate of appealability and denying as moot his motion to proceed in forma pauperis. Because Ayala offers no new evidence or meritorious arguments as to why this Court should

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reconsider its previous order, his motion for reconsideration is
DENIED.