

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-13446

CURTIS W. BEASLEY,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:09-cv-01962-SDM-TGW

Before WILLIAM PRYOR, Chief Judge, and GRANT and LUCK, Circuit
Judges.

BY THE COURT:

Curtis W. Beasley, a Florida prisoner sentenced to death, has moved this Court for a certificate of appealability. He has also moved for a stay of his execution, which is currently scheduled for September 29, 2026, at 6:00 p.m., pending the resolution of his application for a certificate of appealability.

Under the Antiterrorism and Effective Death Penalty Act of 1996, we may not issue a certificate of appealability unless we determine that “the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c). Beasley’s argument that his execution would violate the Eighth Amendment because he is 77 years old, “suffers from depression, reported experiencing brain fog since approximately March 2026, performed in the low average range for verbal reasoning, and exhibited high risk factors for vascular dementia” does not meet that standard. Although the district court likely erred in denying Beasley’s motion instead of dismissing it as second or successive, *see* 28 U.S.C. § 2244(b); *Gonzalez v. Crosby*, 545 U.S. 524, 530–32 (2005); *Osbourne v. Sec’y, Fla. Dep’t of Corr.*, 968 F.3d 1261, 1264 (11th Cir. 2020), Beasley nevertheless has not made a substantial showing of the denial of a constitutional right. We therefore **DENY** the application for a certificate of appealability and **DENY** the motion for stay of execution as moot.