

Luis Moreno-Godoy
60461-054
FCI Oakdale I
P.O. Box 5000
Oakdale, Louisiana 71463

July 1, 2026

in re: Godoy v. United States - USAP 2 No. 25-2462

Supreme Court of the United States
Office of the Clerk
Attn: Ms. Angela Jimenez
1 First Street, N.E.
Washington, DC 20543-0001

Dear Ms. Jimenez,

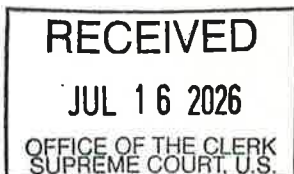
I send this letter because the letter that I sent to the Supreme Court, dated June 15, 2026, via USPS Certified Mail Receipt No.: **9589 0710 5270 2071 3692 43** with stamp of Oakdale Post Office dated June 16, 2026, never arrived to the Supreme Court.

This letter I requested for an Extension of Time for another 60 days.

Also, with my 78 years, I have a problem with my health and in June I had 3 medical trips to the San Francis Hospital in Alexandria, Louisiana, and now I am waiting for surgery for a few days in July.

The tracking number of the USPS Certified Mail Tracking showed that the letter has not yet arrived after 15 days and remains in Oakdale Post Office 71463.

Thank you for your help.



Luis Moreno-Godoy
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P.D. I sent a copy to the Solicitor General of U.S. to 950 Pennsylvania Avenue, N.W. Room 5616, Washington DC 20530.

Luis Moreno-Godoy

Certified Mail Receipt #9589 0710 5270 2071 3692 36

LUIS GODOY
60461-054
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 5000
OAKDALE, LA 71463

SUPREME COURT OF
THE UNITED STATES
OFFICE OF THE CLERK
ANGELA JIMENEZ
1 FIRST STREET, N.E.
WASHINGTON, DC 20543-0001

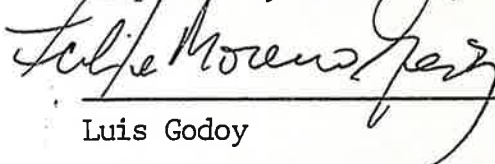
RE: Godoy v. United States - USAP2 No. 25-2462

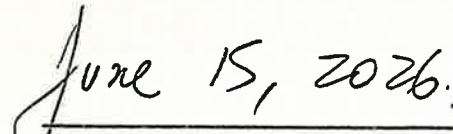
Dear Ms. Jimenez,

This letter is in response to your letter dated May 8, 2026, in which the United States Supreme Court returned my petition for writ of certiorari, which was postmarked April 28, 2026, and received May 7, 2026. The papers were returned for correction of wording on the cover page, and it was not in compliance with Rule 14.1(b).

I request this Honorable Court grant my request for an extension of time for 60-days. My Spanish counsel will be meeting with the Spanish police in Madrid, Spain on June 24-25, 2026, to obtain documentation critical to this case. Due to international mailing, I may not receive the document packet for 30-days mail handling time. To account for this, and to give myself a minor amount of time to review these documents once they arrive, I respectfully request this 60-day extension of time.

Respectfully submitted,


Luis Godoy


Date

S.D.N.Y. – N.Y.C.
13-cv-2383
Rakoff, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 13th day of April, two thousand twenty-six.

Present:

Robert D. Sack,
Richard J. Sullivan,
Eunice C. Lee,
Circuit Judges.

Luis Felipe Moreno Godoy,

Petitioner,

v.

25-2462

United States of America,

Respondent.

Petitioner, proceeding *pro se*, moves for leave to file a successive 28 U.S.C. § 2255 motion based on newly discovered evidence. Petitioner also moves for default judgment and to expedite decision on his successive motion. Upon due consideration, it is hereby ORDERED that the successive motion is DENIED because Petitioner has not made a prima facie showing that the requirements of 28 U.S.C. § 2255(h) are satisfied.

First, we reject Petitioner's argument that the pleading standard for a motion for leave to file a successive § 2255 motion "is the same as the standard applied at the dismissal stage for a civil complaint." 2d Cir. 25-2462, doc. 10 at 1. The Federal Rules of Civil Procedure apply to § 2255 proceedings only "to the extent that they are not inconsistent with any statutory provisions or [the § 2255 Rules]." Rule 12 of Rules Governing § 2255 Cases. While Federal Rule of Civil Procedure 8 requires only "a short and plain statement of the claim showing that the pleader is entitled to relief," the habeas rules "require[] a more detailed statement," are "more demanding," and require "that habeas petitioners plead with particularity." *Mayle v. Felix*, 545 U.S. 644, 649, 655–56 (2005) (discussing Rule 2(c) of the Rules Governing § 2254 Cases); *see also Haouari v.*

United States, 510 F.3d 350, 354 (2d Cir. 2007) (holding that unsworn statement of accomplice did not constitute “evidence” within the meaning of the successive rules); *United States v. Aiello*, 814 F.2d 109, 113 (2d Cir. 1987) (“To warrant plenary presentation of evidence, [a § 2255 motion] must contain assertions of fact that a petitioner is in a position to establish by competent evidence. . . . Airy generalities, conclusory assertions and hearsay statements will not suffice.”); Rule 2(b) of the Rules Governing § 2255 Cases (providing pleading standard essentially identical to rule discussed in *Mayle*); Advisory Committee Note to Rule 4 of Rules Governing § 2254 Cases (“[N]otice pleading is not sufficient.”).

Second, Petitioner has not made a showing that the evidence discussed in his motion—concerning his alleged cooperation with the Spanish government—could not have been discovered earlier, through the exercise of due diligence. *See Herrera-Gomez v. United States*, 755 F.3d 142, 147 (2d Cir. 2014) (holding that prisoners seeking leave to file a successive § 2255 motion must act with “‘due diligence’ in investigating and presenting their claims based on newly discovered evidence”). He asserts that he only discovered the existence of the emails and diplomatic cables underlying his claim in August 2025, but does not explain why the information in those documents could not have been discovered prior to the filing of his first § 2255 motion in 2013. In addition, he has not made clear whether the emails and cables he now relies on differ from the similar classified evidence he sought to introduce at trial. *See United States v. Al Kassar*, 660 F.3d 108, 122 (2d Cir. 2011) (noting that, prior to trial, Petitioner sought to “admit classified information related to prior and contemporaneous interactions with Spanish intelligence agents”). To the extent there is any overlap between the classified evidence Petitioner sought to admit at trial and the evidence discussed in the current motion, Petitioner was aware of that evidence as early as 2008, but has not described any efforts to obtain it earlier than August 2025.

Third, and in any event, Petitioner also has not made a showing that the new evidence, “if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found [him] guilty.” *Herrera-Gomez*, 755 F.3d at 145 (quoting 28 U.S.C. § 2255(h)). Petitioner has not attached any of the emails or diplomatic cables referenced in his successive motion, or provided a detailed explanation as to how those documents might be accessible (aside from a passing reference to discovery). His description of that evidence, and of the potential testimony of Spanish government officials, is, by itself, hearsay and inadmissible. *See Smith v. Arizona*, 602 U.S. 779, 785 (2024) (defining hearsay as “out-of-court statements offered to prove the truth of the matter asserted”); *LoCascio v. United States*, 395 F.3d 51, 57 (2d Cir. 2005) (noting that “hearsay would be inadmissible at [a § 2255] hearing”). And although he asserts that Spanish officials “are now willing to come forward and testify,” 2d Cir. 25-2462, doc. 5.1 (mot.) at 5, he does not provide a sworn statement from any such official or otherwise detail the facts that the officials are willing to testify to. Thus, Petitioner has not presented “competent evidence” for purposes of § 2255(h). *See Haouari*, 510 F.3d at 354; *Aiello*, 814 F.2d at 113. Nor has Petitioner made a showing that the emails and cables (assuming they can be introduced as competent evidence) and testimony of Spanish officials would have made any difference at his trial. Although he describes that evidence as bearing on his intent, the exact contents of the emails and cables are unknown (apparently even to Petitioner), and he fails to discuss the specific inculpatory trial evidence that is allegedly undermined by the new evidence.

In the absence of a discussion of how the new evidence might be weighed against the trial evidence, Petitioner has not made a showing that the requirements for filing a successive habeas petition have been met. *See Bell v. United States*, 296 F.3d 127, 129 (2d Cir. 2002) (denying successive motion because petitioner “provided no information about the evidence presented at his trial except stating that [a police officer who was later convicted on drug-related charges] was the government’s ‘chief witness’”).

It is further ORDERED that Petitioner’s motion to expedite is DENIED as moot, and his motion for default judgment is DENIED as requesting relief that is not available in this proceeding. *See Bermudez v. Reid*, 733 F.2d 18, 22 (2d Cir. 1984) (holding that, in the habeas context, a default judgment cannot be granted unless warranted on the merits of the claims).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is the official seal of the United States Court of Appeals for the Second Circuit. The seal is circular with a blue border containing the text "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom. Inside the border, the words "SECOND CIRCUIT" are written in white on a blue background.