

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Jalal Abodalo v. Superintendent Lilley

Abodalo · No. 24-CV-7984 (GRB) · Decided December 2, 2025

SUMMARY

The United States District Court for the Eastern District of New York dismissed Jalal Abodalo’s 28 U.S.C. § 2254 habeas petition as untimely under AEDPA. The court held that the judgment became final on July 14, 2020, making the November 6, 2024 petition untimely, and concluded that equitable tolling was not warranted because Petitioner failed to demonstrate extraordinary circumstances and reasonable diligence. The court also denied a certificate of appealability and in forma pauperis status for any appeal on those issues.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Gary R. Brown
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 2, 2025
DOCKET	24-CV-7984 (GRB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from a New York state conviction and sentence. Respondent moved to dismiss the petition as untimely and opposed equitable tolling.
STANDARD OF REVIEW	The court applied the AEDPA statute-of-limitations rules and considered whether petitioner established entitlement to equitable tolling by showing diligent pursuit of his rights and an extraordinary circumstance that prevented timely filing.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jalal Abodalo v. Superintendent Lilley

TOPICS

- federal habeas corpus
- post-conviction relief
- statute of limitations
- appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

statute of limitations

appellate procedure

QUESTIONS PRESENTED

1. Whether the federal habeas petition was timely under the one-year statute of limitations in 28 U.S.C. § 2244(d)(1)(A).
2. Whether petitioner was entitled to equitable tolling based on alleged attorney misconduct, miscommunication, COVID-19-related disruption, or other extraordinary circumstances.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. The petition was untimely because the state-court judgment became final on July 14, 2020, and petitioner did not file his federal habeas petition until November 6, 2024, well after the one-year limitations period expired on July 14, 2021.
2. Petitioner was not entitled to equitable tolling because he did not establish both an extraordinary circumstance preventing timely filing and reasonable diligence in pursuing his rights.
3. A certificate of appealability should not issue because petitioner failed to make a substantial showing that he was denied a constitutional right.

KEY QUOTATIONS

“Equitable tolling allows courts to extend the statute of limitations beyond the time of expiration as necessary to avoid inequitable circumstances.”

“This doctrine “should be applied only in rare and exceptional circumstances,” and only where a petitioner demonstrates “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.””

FACTUAL BACKGROUND

Petitioner was convicted of one count of first-degree course of sexual conduct against a child and received a consecutive determinate sentence of fourteen years followed by five years of post-release supervision. The New York Court of Appeals denied leave to appeal on April 15, 2020, and petitioner's judgment became final for AEDPA purposes after the ninety-day period for seeking United States Supreme Court review expired on July 14, 2020. Although petitioner initially claimed that he did not learn of the denial until November 2023, he later conceded that counsel informed him of the denial during a May 5, 2020, call. He filed his federal habeas petition on November 6, 2024.

PROCEDURAL HISTORY

Petitioner was convicted after a jury trial in Nassau County Supreme Court in June 2017. The New York Appellate Division affirmed the conviction on December 24, 2019, and the New York Court of Appeals denied

leave to appeal on April 15, 2020. Petitioner filed this federal habeas petition on November 6, 2024. The district court granted respondent's motion and dismissed the petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- People v. Abodalo, 178 A.D.3d 1067, 1067 (2d Dep't 2019)
- Abodalo II, 35 N.Y.3d 967 (2020)
- Matter of Megaro, 215 A.D.3d 67, 84 (2d Dep't 2023)
- Zack v. United States, 704 F.3d 917, 919 (2d Cir. 2013)
- Duncan v. Walker, 533 U.S. 167, 179 (2001)
- Mayle v. Felix, 545 U.S. 644, 662 (2005)
- Clemente v. Lee, 72 F.4th 466, 471, 478 (2d Cir. 2023)
- Valverde v. Stinson, 224 F.3d 129, 132 (2d Cir. 2000)
- Ortiz v. McBride, 323 F.3d 191, 194 (2d Cir. 2003)
- Doe v. Menefee, 391 F.3d 147, 175-76 (2d Cir. 2004)
- Baldayaque v. United States, 338 F.3d 145, 153 (2d Cir. 2003)
- Smith v. McGinnis, 208 F.3d 13, 18 (2d Cir. 2000)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)