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IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL ALEXANDER BACON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

VIRGINIA L. GRADY
Federal Public Defender

VERONICA S. ROSSMAN
Assistant Federal Public Defender
Counsel of Record for Petitioner
633 17th Street, Suite 1000
Denver, Colorado 80202
(303) 294-7002

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioner Michael Alexander Bacon, by undersigned counsel, prays for a 60-day extension of time, to and including January 18, 2019, in which to file a petition for a writ of certiorari. In support of this request, counsel states:

1. On August 21, 2018, the United States Court of Appeals for the Tenth Circuit affirmed the denial of Mr. Bacon's request for relief under Federal Rule of Criminal Procedure 41(g). Attachment A. Rehearing was not sought.

2. Mr. Bacon has ninety days from August 21, 2018, to petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on November 19, 2018. This application is being filed at least ten days before that date.

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

4. Undersigned counsel believes an extension of time will be needed to adequately prepare Mr. Bacon's petition for writ of certiorari. Since August 21, 2018, undersigned counsel, in the Tenth Circuit, has filed a reply brief in *United States v. Couch*, No. 18-3032 on September 11, 2018 and an opening brief in *United States v. Paup*, No. 18-1114 on September 28, 2018. Undersigned counsel also spent considerable time working on the appeal in *United States v. Castillo*, No. 18-8041, but Mr. Castillo decided to voluntarily dismiss his direct appeal on October 1, 2018.

5. During the requested extension period, undersigned counsel has opening briefs due in *United States v. Martinez-Palomino*, No. 18-1318 on December 5, 2018 and in *United States v. Schultz*, No. 18-2103 on December 19, 2018.

6. Counsel also has supervisory responsibilities in this FPD Office. In November 2018, these supervisory responsibilities include conducting moot courts and other oral argument preparation with the AFD counsel of record in these two cases pending in the Tenth Circuit: *United States v. Smith*, No. 18-1020 (oral argument on November 14, 2018), and *United States v. Martinez-Romero*, No. 17-2220 (oral argument on November 16, 2018).

7. Finally, counsel needs additional time to confer with Mr. Bacon about his certiorari petition and his appellate rights generally. Mr. Bacon is represented by this FPD Office (based in Denver, Colorado) by appointment under the Criminal Justice Act, but he is incarcerated outside of Colorado. The practical challenges attendant to representing a defendant incarcerated in a different state—such as arranging attorney-client phone calls and communicating in written correspondence—also supports this requested extension.

8. The requested extension of time is for sixty days, up to and including January 18, 2019. *See* Sup. Ct. R. 13.5 (authorizing extension of up to sixty days for filing a petition for writ of certiorari).

WHEREFORE Michael Alexander Bacon respectfully requests that an order be entered extending his time in which to petition for certiorari by sixty days, to and including January 18, 2019.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ Veronica S. Rossman
VERONICA S. ROSSMAN
Assistant Federal Public Defender
Counsel of Record for Petitioner
633 Seventeenth St., Suite 1000
Denver, Colorado 80202
(303) 294-7002