

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DANIEL KILGORE,

Petitioner,

vs.

CHANTAY GODERT, Warden, Northeast Correctional Center, and
ERIC SCHMITT, Missouri

Respondents.

**APPLICATION FOR A SIXTY (60) DAY EXTENSION OF TIME IN
WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI**

TO: THE HONORABLE NEIL M. GORSUCH, ASSOCIATE JUSTICE
OF THE UNITED STATES SUPREME COURT, AND CIRCUIT
JUSTICE FOR THE EIGHTH CIRCUIT:

Pursuant to Rule 13.5, Petitioner, Daniel Kilgore, respectfully
requests a sixty (60) day extension of time in which to file his petition
for a writ of certiorari in this Court, up to and including June 7, 2019.

In support of this application, Mr. Kilgore states the following grounds:

1. Daniel Kilgore, is a Missouri prisoner. He intends to seek
discretionary review in this Court, pursuant to 28 U.S.C. § 1254(1), of
the judgment of the United States Court of Appeals for the Eighth
Circuit denying him a certificate of appealability following the denial of

relief in the U.S. District Court for the Western District of Missouri.

Kilgore v. Pash, 18-3130. (Attached).

2. Pursuant to Rule 13, Mr. Kilgore's petition for a writ of certiorari is due on or before April 8, 2019.

3. In this petition, Mr. Kilgore intends to advance violations of his right to due process of law and effective assistance of counsel which occurred when he was induced by counsel to enter a plea of guilty which required him to participate in a "program" of sex offender treatment that did not exist, with the result that he was unable, by his own efforts, to successfully complete it. The decision of the district court denying relief was debatable among jurists of reason, and Mr. Kilgore will contend that a certificate of appealability should be issued.

4. During the period for filing this petition, undersigned counsel Elizabeth Unger Carlyle has conducted mitigation travel in a Mississippi capital post-conviction case which required approximately two weeks of overseas travel; filed an original post-conviction motion in a Missouri case; filed a traverse in a Missouri federal habeas corpus case, prepared a sentencing memorandum and attended the resentencing of a Missouri client, formerly sentenced to death, who was

resentenced to life imprisonment without parole; filed a petition for rehearing and application for transfer in a Missouri direct criminal appeal; participated in the filing of a brief in the Eighth Circuit in a capital habeas corpus case; filed motions under Fed. R. Civ. P. 59(e) in a Kansas and a Missouri federal habeas corpus case; filed a petition for writ of certiorari to the Eighth Circuit in a capital case; and conducted drafting, research and investigation in connection with a Mississippi capital post-conviction case scheduled for a hearing in May, 2019, in which there is pending an allegation that the client has become incompetent to proceed.

5. Mr. Kilgore has not previously petitioned this Court for an extension of time in which to file a petition for writ of certiorari.

6. The extension request is being filed in good faith and not for purposes of delay.

WHEREFORE, for the foregoing reasons, Mr. Kilgore respectfully requests that Justice Gorsuch, in his capacity as Circuit Justice for the Eighth Circuit, issue an order granting petitioner a sixty (60) day extension of time up to and including June 7, 2019, in which to file his petition for a writ of certiorari.

Respectfully Submitted,

/s/ Elizabeth Unger Carlyle

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