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IN THE
SUPREME COURT OF THE UNITED STATES

JOEL E. MILLER,

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**

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

Petitioner Joel E. Miller, by undersigned counsel, prays for a 60-day extension of time, to and including January 4, 2018, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On June 6, 2018, the United States Court of Appeals for the Tenth Circuit affirmed in part and reversed in part the judgment of the district court in this case. Attachment A. Dr. Miller petitioned for rehearing en banc, but the circuit denied that petition on August 6, 2018. Attachment B.

2. Dr. Miller has ninety days from August 6, 2018 to file a petition for a writ of certiorari. Therefore, a petition is due November 5, 2018. This application is being filed at least ten days before that date.

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

6. Undersigned counsel believes an extension of time will be needed to prepare Dr. Miller's petition for writ of certiorari. In addition to Dr. Miller's petition, undersigned counsel is currently responsible for briefing in *United States v. Elliott*, 17-6433 (opening brief currently due November 6, 2018), a suppression and sentencing appeal with an effective life sentence of 166 years, and recently assumed responsibility for the appeal in *United States v. Muhtorov*, 18-1366 (joint designation of record filed with co-defendant on October 11, 2018), a complex case originating in

2012 that resulted in a 20-day jury trial and over 2,000 docket entries. Moreover, since the circuit court denied rehearing in Dr. Miller's case, counsel also has been occupied with matters in other cases before the circuit, including filing an opening brief in *United States v. Garcia*, 18-5012 (August 20, 2018), delivering oral argument in *United States v. Winder*, 17-8075 (September 27, 2018), and assisting colleagues in preparing for oral arguments in other cases during the Tenth Circuit's September court week. Additionally, counsel has also recently filed petitions for a writ of certiorari in *Howard v. United States*, 18-5967 (September 13, 2018), *Frias v. United States*, 18-6139 (September 26, 2018) and *Silva v. United States*, 18-6265 (October 4, 2018). Counsel also has spent significant time in the past few months working on issues related to the conditions of confinement for a number of clients, and also was out of the office on personal leave for periods of time from October 5th through 10th.

7. The requested extension of time is for 60 days, to and including January 4, 2018. *See* Sup. Ct. R. 13.5 (authorizing extension of up to 60 days for the filing of a petition for writ of certiorari).

8. During the requested extension period, undersigned counsel will have responsibility for filing the opening brief in *United States v. Elliott*, 18-2105 (currently due November 6, 2018), delivering oral argument in *United States v. Smith*, 18-1020 (November 14, 2018), filing a reply brief in *United States v. Garcia*, 18-5012 (due

October 30, 2018), and filing a petition for writ of certiorari in *United States v. Pulham*, 16-8019 (due December 14, 2018, after 60-day extension).

WHEREFORE, Joel E. Miller respectfully requests that an order be entered extending his time in which to file a petition for certiorari by 60 days, to and including January 4, 2018.

Respectfully submitted,

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