

NO. \_\_\_\_\_

---

IN THE

SUPREME COURT OF THE UNITED STATES

---

SAMUEL SILVA,

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

JOHN C. ARCECI  
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 Samuel Silva, by undersigned counsel, prays for a 60-day extension of time, to and including October 5, 2018, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On May 8, 2018, the United States Court of Appeals for the Tenth Circuit affirmed the judgment of the district court in this case. *See* Attachment. Rehearing was not sought.
2. Mr. Silva has ninety days from May 8, 2018, to petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on August 6, 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 prepare Mr. Silva's petition for writ of certiorari. Since the circuit court's decision, undersigned counsel has filed an opening brief in *United States v. Smith*, 18-1020 (June 6, 2018), a reply brief in *United States v. Purify*, 17-5113 (June 21, 2018), a petition for rehearing en banc in *United States v. Pulham*, 16-8019 (July 5, 2018), and delivered oral argument in *United States v. Frias*, 17-1242 (May 17, 2018). Undersigned counsel also has been occupied working on reviewing the appellate records in *United States v. Garcia*, 18-5012 (due August 20, 2018, after second extension) and *United States v.*

*Yurek*, 18-1129 (due August 6, 2018), both appeals from trials with significant appellate records which counsel anticipates will take much of the summer to complete. Counsel also is responsible for preparing in the coming weeks a petition for rehearing en banc on a preserved issue in *United States v. Miller*, 16-1231 (due July 19, 2018), a petition for panel rehearing in *United States v. Frias*, 17-1242 (due July 27, 2018), and reply briefs in *United States v. Smith*, 18-1020 (due July 30, 2018, after extension), *United States v. Quintana-Torres*, 17-3256 (due July 17, 2018), and *United States v. Winder*, 17-8075 (due July 19, 2018). In recent months, counsel also has been occupied with numerous client-related matters regarding custodial issues within the Bureau of Prisons. Finally, counsel was out of the office the week of June 18th to 25th, and will again be out of the office between Thursday, July 19th and at least Tuesday, July 24th. For all these reasons, counsel requires additional time to file a petition for certiorari in this case.

5. The requested extension of time is for 60 days, to and including October 5, 2018. See Sup. Ct. R. 13.5 (authorizing extension of up to 60 days for the filing of a petition for writ of certiorari). Counsel seeks this amount of time because of the number of briefs and petitions listed above that counsel also must complete during the requested extension period.

\* \* \* \* \*

WHEREFORE Petitioner Samuel Silva respectfully requests that an order be entered extending the time in which to petition for certiorari by 60 days, to and including October 5, 2018.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ John C. Arceci  
JOHN C. ARCECI  
Assistant Federal Public Defender  
*Counsel of Record for Petitioner*  
633 Seventeenth St., Suite 1000  
Denver, Colorado 80202  
(303) 294-7002