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IN THE

SUPREME COURT OF THE UNITED STATES

SAMUEL ELLIOTT,

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 Elliott, by undersigned counsel, prays for a 60-day extension of time, to and including Friday, February 7, 2020, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. Mr. Elliott has ninety days from September 9, 2019, to petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on December 9, 2019.

This application is being filed at least ten days before that date.

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

3. Undersigned counsel believes an extension of time is needed to prepare Mr. Elliott's petition for writ of certiorari. Since the Tenth Circuit's decision in this case, undersigned counsel has presented oral argument in *United States v. Lovato*, 18-1468, an appeal from a jury trial in which counsel did not prepare the appellate briefs, filed opening briefs in *United States v. Davis*, 19-1292 (filed November 12, 2019) and *United States v. Melendrez*, 19-2080 (filed November 12, 2019), and a

petition for writ of certiorari in *United States v. Winder*, 17-8075 (filed October 15, 2019), and evaluated the enforceability of an appeal waiver in *United States v. Earley*, 19-1239 (response filed October 7, 2019). Counsel also is currently working on opening briefs in *United States v. Ortiz*, 19-1261 (due December 20, 2019), *United States v. Richards*, 19-8044 (due December 20, 2019), and *United States v. Sloan*, 19-2096 (due

December 18, 2019), the latter of which is an appeal from a trial with a life sentence, and the reply brief in *United States v. Cristerna-Gonzalez*, 19-7009 (due December 10, 2019), a case in which counsel did not prepare the opening brief and in which the appellate record is over 1,000 pages. Counsel also recently assumed responsibility for preparing opening briefs in *United States v. Silva*, 19-1298, and *United States v. Ortiz-Hernandez*, 19-2157 and 19-2158.

4. During this time, counsel also has been occupied aiding numerous clients with issues related to their confinement, as well as with training responsibilities, including presenting at a CLE program in Denver, Colorado on October 17, 2019, and traveling to Lawrence, Kansas on October 22 and 23, 2019 to attend a Tenth Circuit Conference hosted by the Kansas Federal Public Defender. Counsel also has been out of the office for unplanned leave for portions of the week of October 28th and for long-planned leave for portions of the week of November 18th.

5. The requested extension of time is for 60 days, to and including Friday, February 7, 2020. *See* Sup. Ct. R. 13.5 (authorizing extension of up to 60 days for the filing of a petition for writ of certiorari).

WHEREFORE Petitioner Samuel Elliott respectfully requests that an order be entered extending the time in which to petition for certiorari by 60 days, to and including Friday, February 7, 2020.

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