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IN THE
SUPREME COURT OF THE UNITED STATES

MONTY ENGLEHART, *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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Counsel of Record for Petitioner

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

Petitioner Monty Englehart, by undersigned counsel, prays for a 60-day extension of time, to and including December 27, 2019, in which to file a petition for a writ of certiorari. In support of this request, counsel states:

1. On July 29, 2019, the United States Court of Appeals for the Tenth Circuit denied Mr. Englehart's Petition for Rehearing. Attachment A.

2. Mr. Englehart has ninety days from July 29, 2019, to petition for a writ of certiorari. Sup. Ct. R. 13.3. Because the ninetieth day falls on a Sunday, the petition is therefore due on October 28, 2019. Sup. Ct. R. 30.1. This application is being filed at least ten days before that date. Sup. Ct. R. 30.2.

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. Englehart's petition for writ of certiorari. Mr. Englehart will raise a single issue challenging the retroactive application of the Sex Offender Registration and Notification Act, 34 U.S.C. § 20901 *et seq.* This is the same issue this Court recently addressed in *Gundy v. United States*, 139 S.Ct. 2116 (2019). The petitioner in *Gundy* has filed a petition for rehearing, which was scheduled to be considered by the Justices on October 11, 2019.

5. Whether the Court grants rehearing in *Gundy* will directly impact how Mr. Englehart proceeds. If the Court grants rehearing, then Mr. Englehart's petition will be tied directly to the Court's decision in *Gundy*. If, however, the Court

denies rehearing, Mr. Englehart will need to analyze how to proceed, including obtaining the assistance of amici in support of certiorari. Because any decision on the *Gundy* petition for rehearing will be shortly before Mr. Englehart's petition for writ of certiorari is due, he asks for additional time to review the Court's decision and analyze how to proceed.

6. The requested extension of time is for sixty days, up to and including December 27, 2019. *See* Sup. Ct. R. 13.5 (authorizing extension of up to sixty days for filing a petition for writ of certiorari).

WHEREFORE Monty Englehart respectfully requests that an order be entered extending his time in which to petition for certiorari by sixty days, to and including December 27, 2019.

Respectfully submitted,

s/ Eric K. Klein

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