

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**VON TAYLOR,**  
*Applicant/Petitioner,*

- v. -

**ROBERT POWELL, Warden,**  
*Respondent.*

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**Unopposed Application For A Further Extension Of Time Within  
Which To File For A Writ Of Certiorari To The United States  
Court Of Appeals For The Tenth Circuit**

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**UNOPPOSED APPLICATION TO THE HONORABLE JUSTICE  
NEIL GORSUCH AS CIRCUIT JUSTICE**

**CAPITAL CASE**

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**APPLICATION FOR A FURTHER EXTENSION OF  
TIME TO FILE PETITION FOR A WRIT OF CERTIORARI  
[28 U.S.C. § 2101(c); SUPREME COURT RULES 13.5, 22, AND 30]**

To the Honorable Justice Neil Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit.

Petitioner Von Taylor, by undersigned counsel, pursuant to Title 28, United States Code, section 2101(c), and Supreme Court Rules 13.5, 22, and 30, respectfully requests that the Court grant him a further thirty day extension of time from February 5, 2022, to and including March 7, 2022, within which to file a petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit.

**JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment sought to be reviewed is that of the Tenth Circuit Court of Appeals in the case entitled *Taylor v. Powell*, Tenth Circuit case no. 20-4039. On July 30, 2021, the Tenth Circuit Court of Appeals issued a judgment reversing the district court judgment granting the Petition for Writ of Habeas Corpus. A copy of the Tenth Circuit opinion is appended hereto as Appendix A. A timely petition for rehearing was denied on October 8, 2021. A copy of the Tenth Circuit Order denying the Petition for Rehearing is appended hereto as Appendix B. The Court has already granted one extension of thirty days, making February 5, 2022, the current due date for the filing of a petition for a writ of certiorari.

**JURISDICTION**

The jurisdiction of this Court is invoked under the provision of 28 U.S.C. § 1254. The district court had subject matter jurisdiction pursuant to 28 U.S.C. § 2254. The Tenth Circuit court had jurisdiction pursuant to 28 U.S.C. §§ 1291 and 2253. In accordance with Rule 13.5, this application is being filed more than ten days in advance of the filing date for the petition for a writ of certiorari.

## REASONS JUSTIFYING A FURTHER EXTENSION OF TIME

Applicant respectfully requests a thirty day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the United States Court of Appeals for the Tenth Circuit in this case, up to and including March 7, 2022.

1. Applicant has requested that the Northwestern University School of Law Supreme Court Practicum assist in the preparation of his petition. An extension of time will permit the students the time necessary to complete a cogent and well-researched petition.

2. Counsel requests a further thirty day extension in order to allow the Northwestern Practicum adequate time to research and complete the petition. The Northwestern Practicum was not in session from December 2, 2021 through January 9, 2022.

3. The extension of time is also necessary because of the press of other client business. For example, in the coming months, the Northwestern Practicum has several overlapping commitments representing other clients in this Court, including petitions for writs of certiorari in *Hunter v. United States* (No. 22-), *Henderson v. United States* (22-), and *Chad Thompson, et al., v. United States* (22-), and a reply brief in *Baxter v. Superintendent Coal Township SCI, et al.* (No. 21-5826). Mr. Green is also appointed counsel in two D.C. Court of Appeals cases currently briefing and/or preparing for oral argument, *Johnson v. United States*, (No. 13-CF-493), and *Young v. United States*, (No. 18-CF-0694), and has ongoing litigation in the District Court for the District of Columbia, the Delaware District Court, and the Eastern District of Pennsylvania. A further thirty day extension for the Applicant would allow Mr. Green the necessary amount of time to effectively contribute to all open matters including Applicant's petition as well as his other client business abroad, and would also allow the

Northwestern Practicum students sufficient time for research and drafting efforts per Applicant's request.

4. The counsel of record, Attorney Brian Pomerantz, also needs additional time in which to prepare and draft the petition for writ of certiorari in this matter. Mr. Pomerantz is currently on another capital habeas case with a federal habeas petition due on February 9, 2022. Additionally, he has spent much of the past month working on a lengthy proposal relating to ongoing negotiations aimed at settling a capital case.

On January 21, 2022, Mr. Pomerantz corresponded with Assistant Solicitor General Andrew Peterson, counsel for Warden Robert Powell. Mr. Peterson stated that he does not oppose this application for a further thirty day extension of time to file the petition for a writ of certiorari.

#### CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant a further extension of thirty days, up to and including March 7, 2022, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

DATED: January 24, 2022

/S/ Brian M. Pomerantz  
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Attorney for Petitioner  
\*Counsel of Record