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IN THE
SUPREME COURT OF THE UNITED STATES

Gregory M. Hawes,

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

Petitioner Gregory M. Hawes, by undersigned counsel, prays for a 30-day extension of time, to and including March 14, 2022, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. A three-judge panel of the United States Court of Appeals for the Tenth Circuit granted Mr. Hawes a certificate of appealability to challenge the constitutionality of the state of Wyoming's kidnapping statute in a habeas corpus petition, brought under 28 U.S.C. § 2254. On August 10, 2021, a split merits panel of court affirmed the federal district court's denial of Mr. Hawes' petition.

(Attachment A.)

2. On November 12, 2021, the Tenth Circuit denied Mr. Hawes' petition for panel rehearing and rehearing en banc. (Attachment B.)

3. Mr. Hawes has ninety days from November 12, 2021, to petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on February 10, 2022. This application is being filed at least ten days before that date.

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

5. Since the Tenth Circuit Court of Appeals' order and judgment in this case on the petition for rehearing and rehearing en banc, counsel has presented oral argument in the Tenth Circuit in *United States v. Frazier*, 20-4131 (argued

November 17) and has filed petitions for certiorari in *United States v. Lowell*, 20-2014 (filed November 26), *United States v. Mjones*, 20-8029 (filed December 2), and *United States v. Moore*, 20-1407 (filed December 8). Counsel is currently working on a petition for rehearing in *United States v. Muhtorov*, 18-1366 (due January 21; 7-day extension requested), a complex case that resulted in a split decision of 218 pages from the court of appeals, as well as the opening briefs in *United States v. Bush*, 21-3071 (due January 21), *United States v. Alvarado-Rico*, 21-1276 (due January 28; extension request anticipated), and *United States v. Salti*, 21-3183 (due February 11), and the reply briefs in *United States v. Neff*, 21-3013 (due February 1) and *United States v. Zavala-Cervantes*, 21-5039 (due February 9). Additionally, counsel recently has been assisting colleagues in their preparations for oral argument before the Tenth Circuit Court of Appeals during its January session, and is also occupied with numerous issues related to conditions of confinement for multiple clients, as well as working with colleagues in evaluating legal issues and preparing pretrial motions in numerous cases pending in the district court. Supervisory responsibilities also take up a significant amount of counsel's time, and school-related disruptions due to rising coronavirus cases have also significantly interfered with counsel's work schedule this month.

6. For these reasons, this 30-day extension of time is needed for counsel to prepare Mr. Hawes' petition for writ of certiorari.

7. The requested extension of time is for 30 days, to and including March 14, 2022. *See* Sup. Ct. R. 13.5.

For these reasons, Petitioner Gregory M. Hawes respectfully requests that an order be entered extending the time in which to petition for certiorari by 30 days, to and including March 14, 2022.

Respectfully submitted,

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