

NO. 21A362

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

**SECOND 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 second extension of time of 28 days, to and including April 11, 2022, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. This second application is being filed at least ten days before the current filing deadline of March 14, 2022, and the jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

2. On November 12, 2021, the Tenth Circuit denied Mr. Hawes' petition for panel rehearing and rehearing en banc. (Attachment A; Attachment C.) Mr. Hawes had ninety days from November 12, 2021, to petition for a writ of certiorari, that is, until February 10, 2022. Sup. Ct. R. 13.3. Last month, Mr. Hawes requested a 30-day extension of time, and on January 25, Justice Gorsuch extended the time in which to file a petition for a writ of certiorari to and including March 14, 2022. (Attachment B.)

3. Mr. Hawes seeks a second extension of 28 days, which, combined with the prior extension he received, would comprise a total extension of 60 days from February 10, 2022, that is, until April 11, 2022. *See* Sup. Ct. R. 13.5 (authorizing extension of up to 60 days for the filing of a petition for writ of certiorari).

4. Since the first application for an extension of time was sought, counsel has filed in the Tenth Circuit an opening brief in *United States v. Bush*, 21-3071 (filed

January 21), a petition for rehearing with a co-defendant in *United States v. Muhtorov*, 18-1366 (filed January 28), and reply briefs in *United States v. Neff*, 21-3013 (filed February 1) and *United States v. Zavala-Cervantes*, 21-5039 (filed February 23). In addition to this case, counsel is working on the opening briefs in *United States v. Alvarado-Rico*, 21-1276 (due February 28) and *United States v. Salti*, 21-3183 (due March 14) and the reply brief in *United States v. Brochu*, 21-8024 (due March 9), and also is working on the opening briefs in *United States v. Nielsen*, 21-8087 (due March 9) and *United States v. Sanchez*, 21-1328 (due March 2, 2022; 30-day extension anticipated to be sought) in a supervisory capacity with primary counsel on those cases. Counsel also recently assumed responsibility for the trial appeal and cross-appeal in *United States v. Warrington*, 22-7004.

5. Additionally, counsel spent a significant amount of time last month assisting colleagues in their preparations for oral argument before the Tenth Circuit Court of Appeals' January sitting (January 18-21), and next month will be doing so again for the court's March session (March 21-25). Counsel also continues to be occupied with numerous issues related to conditions of confinement for multiple clients, including evaluating and preparing motions for compassionate release and interfacing with the Bureau of Prisons regarding disputed security classifications. Counsel also has worked with colleagues in evaluating legal issues and preparing

pretrial motions in numerous cases pending in the district court, including, this month, *United States v. Unocic*, D. Wyo. case no. 21-cr-121 (pretrial motions filed February 14), *United States v. Quintanilla-Dominguez*, D. Colo. 1:21-cr-310 (motion hearing held February 8), and *United States v. Johnson*, D. Colo. case no. 1:21-cr-334 (pretrial motions due March 7, 2022). Supervisory responsibilities also take up a significant amount of counsel's time, and counsel also has on-going responsibilities related to the planning of appellate-focused CLE trainings this spring and summer. Finally, school-related disruptions due to rising coronavirus cases in January significantly interfered with counsel's work schedule last month, and counsel himself was on sick leave for multiple days in early February following a positive COVID test on February 2nd.

6. For all these reasons, the requested 28-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 28 days, to and including April 11, 2022, which, as noted above, is 60 days from when Mr. Hawes' petition initially was due on February 10, 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 28 additional days—60 days total—to and including April 11, 2022.

Respectfully submitted,

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