

No. _____

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

MICHAEL TISIUS,

Petitioner,

vs.

PAUL BLAIR,

Respondent.

(CAPITAL CASE)

**APPLICATION FOR EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

TO: THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF
THE UNITED STATES SUPREME COURT, AND CIRCUIT JUSTICE FOR
THE EIGHTH CIRCUIT:

Pursuant to United States Supreme Court Rule 13.5, Petitioner requests a
sixty (60) day extension of time in which to file his Petition for a Writ of certiorari in
this Court up to and including June 13, 2022 (the next workday after sixty (60) days
from the current deadline of April 12, 2022). In support of this Application, Mr.

Tisius states:

1. Petitioner, Michael Tisius, is a Missouri death-sentenced prisoner
housed currently at the Potosi Correctional Center in Mineral Point, Missouri.

2. Mr. Tisius seeks review in this Court of the decision of the United States Court of Appeals for the Eighth Circuit denying a certificate of appealability as to any of the 31 grounds for relief in his habeas corpus petition. *See* attached Exhibit.

3. The judgment of the United States Court of Appeals was entered on November 9, 2021.

4. Mr. Tisius's motion for rehearing with suggestion for rehearing *en banc* was considered, and denied, by the United States Court of Appeals on January 12, 2022. *See* attached.

5. Mr. Tisius's time in which to petition this Court for a Writ of Certiorari expires on April 12, 2022 (90 days calculated from January 12, 2022).

6. Pursuant to United States Supreme Court Rule 13.5, this Application is being filed more than ten days before April 12, 2022.

7. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254.

8. This case is a capital habeas corpus case. Mr. Tisius is indigent. The undersigned counsel have been appointed by the United States Court of Appeals to represent Mr. Tisius on appeal from the district court and in certiorari proceedings in this Court.

9. Pursuant to counsel's obligations to Mr. Tisius, the undersigned counsel has a duty pursuant to reasoned professional judgment to draft and present a Petition for a Writ of Certiorari to review the decision of the United States Court of Appeals for the Eighth Circuit.

10. Counsel requests an extension in this case because of previously set scheduling deadlines in other cases that require counsel's attention, and also other work in cases, including:

11. (Ms. Carlyle) Pleadings in connection with the issue of competency to proceed in state post-conviction proceedings in the circuit court of Jackson County, Mississippi (*Le v. State*, capital case); clemency proceedings and ancillary litigation in the Missouri capital case of Carman Deck, now scheduled for execution on May 3, 2022, including a petition for writ of certiorari to be filed in early to mid-April; pleadings in connection with a capital habeas corpus case in the Southern District of Mississippi (*Chamberlin v. Cain*); preparation for hearing and presentation of evidence in Monroe County, Missouri in a post-conviction case (*Gramley v. State*); preparation and filing of an original application for transfer in a St. Louis County, Missouri, post-conviction case (*Carnahan v. State*); preparation and filing of a brief in a CJA criminal appeal in the Eighth Circuit (*United States v. Forjan*), preparation for sentencing in a CJA district court case in the Northern District of Oklahoma (*United States v. Burch*).

12. (Mr. Komp) Motion for Evidentiary Hearing in the capital habeas corpus case of *McFadden v. Stange*, Case No. 4:18-cv-1559 (E.D. Mo.), filed on March 14, 2022. Mr. Komp is also involved in the preparation of clemency materials for the impending May 3, 2022 execution of Mr. Carman Deck.

13. Mr. Tisius has not previously petitioned this Court for an extension of time in which to file a Petition for a Writ of Certiorari.

14. Counsel avers that this Application is made in good faith and not for purposes of delay.

Wherefore, Mr. Tisius requests respectfully that an order issue establishing the due date for Petitioner's Petition for a Writ of Certiorari as **Monday, June 13, 2022**.

Dated March 22, 2022.

/s/ Elizabeth Unger Carlyle

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