

No. _____

In The Supreme Court of The United States

Stephen Henson, Petitioner,

v.

United States, Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

To the Honorable Justice Neil M. Gorsuch:

Petitioner Steven Henson moves the Court for an extension of 60 days to file his Petition for Writ of Certiorari. The Tenth Circuit entered a final judgment denying Mr. Henson's appeal of his criminal judgment on August 19, 2021, in case 19-3062. His Petition for Writ of Certiorari is thus due on November 17, 2021. This motion is being filed more than 10 days prior to that due date as required by Rule 13.5.

A copy of the Tenth Circuit's opinion is attached to this motion. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

Mr. Henson's case presents an important question of criminal law involving the standard of proof required to convict a medical doctor for issuing prescriptions to his patients outside the usual course of professional medical practice. The undersigned had hoped to timely prepare and file Mr. Henson's Petition for Writ of Certiorari but will be unable to do so due to staff shortages and trial docket scheduling issues each brought on as a result of the COVID-19 pandemic. The undersigned has spent each of the last 5 weeks conducting three consecutive federal criminal trials, *United States v. Castaneda-Serrano* (17 CR 113) in the Northern District of Illinois, *United States v. Hunter* (4:17 CR 198) in the Eastern District of Missouri, and *United States v. Goins* (4:20 CR 380) in the Northern District of Ohio. Despite this litigation calendar, the

undersigned also completed a reply brief concerning the Petition for Writ of Certiorari in *Kahn v. United States* (21-5261) which was filed on October 12, 2021. The undersigned is now engaged in preparation for a murder trial in Riverside County, California, which will be followed shortly by other scheduled trials.

This trial schedule has been brought on by various courts' attempts to respond to difficulties arising from the COVID-19 pandemic and is largely outside of the undersigned's control. However, it has rendered the undersigned unable to timely complete the Petition for Writ of Certiorari in this case. The undersigned thus requests an extension of time until January 17, 2021, to file Mr. Henson's Petition.

Respectfully submitted,

S/ Beau B. Brindley

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