

No. 22A1039

IN THE
SUPREME COURT OF THE UNITED STATES

ELSA KARINA PALACIOS, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF
BERNARDO PALACIOS CARBAJAL,
Petitioner,

v.

OFFICER KEVIN FORTUNA, IN AN INDIVIDUAL CAPACITY; OFFICER NEIL IVERSEN, IN
AN INDIVIDUAL CAPACITY; SALT LAKE CITY CORPORATION,
Respondents.

**PETITIONER'S SECOND APPLICATION FOR AN EXTENSION OF
TIME TO FILE PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

TO THE HONORABLE NEIL M. GORSUCH, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT:

Pursuant to this Court’s Rule 13.5, Elsa Karina Palacios respectfully requests that the time to file a petition for a writ of certiorari be extended by 30 days, to and including August 4, 2023.

On March 7, 2023, the Tenth Circuit Court of Appeals entered its judgment. *Palacios v. Fortuna*, 61 F.4th 1248 (10th Cir. 2023).

On June 1, 2023, this Court (Gorsuch, J.) granted in part Palacios’s first request for a 60-day extension, giving her an additional 30 days to prepare a petition.

Unless extended, Palacios’s deadline for filing a petition for a writ of certiorari would be July 5, 2023.

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1254 and 1332. A copy of the court of appeals’ opinion is attached as Appendix A.

Background

This case arises from the death of Palacios’s brother, Bernardo Palacios Carbajal (“Bernardo”), who was shot thirty-four times by Salt Lake City Police officers. He ultimately died of his wounds.

On March 7, 2023, the court of appeals issued a decision affirming the district court’s order granting summary judgment to appellees on qualified

immunity grounds.

On June 1, 2023, this Court granted Palacios a thirty-day extension of time to file a petition for certiorari.

Argument

Petitioner respectfully submits that one additional, 30-day extension is appropriate and necessary for the following reasons:

1. Palacios still hopes to file a petition for a writ of certiorari from the court of appeals' decision. Pursuing an appeal is important to Palacios and her family, as she seeks to vindicate the constitutional rights of her late brother.

2. Palacios's current counsel—and counsel of record on this application—have informed Palacios that they will not be filing a petition on Palacios's behalf.

3. Since March 2023, current counsel and the Palacios family have been contacting other attorneys who may be able to prepare a petition for a writ of certiorari.

4. Moreover, since this Court granted Palacios's first extension request, on June 1, 2023, Palacios has continued to contact additional counsel. She is not yet certain whether she will be able to find additional counsel to prepare a petition, but she has been in contact with other attorneys and believes it is possible that she will find counsel who will be able to prepare a petition.

5. Palacios requests an additional 30 days to continue her efforts to obtain new counsel and, if successful, allow them to prepare a petition.

6. No meaningful prejudice would arise from the extension.

Requested Relief

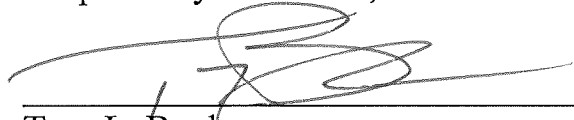
Palacios respectfully requests a 30-day extension of the time to petition the Court for certiorari.

Conclusion

For the foregoing reasons, Palacios respectfully submits that the time to file a petition for a writ of certiorari should be extended by 30 days, from July 5, 2023, to and including August 4, 2023.

DATED this 26th day of June, 2023.

Respectfully submitted,



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