

Case No. \_\_\_\_\_

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**In the  
Supreme Court of the United States**

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LAQUAN KYLE DUANE SHAKESPEARE,  
*Petitioner/Applicant,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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

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LAQUAN KYLE DUANE SHAKESPEARE

\* Counsel of Record

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**PETITIONER’S APPLICATION FOR EXTENSION OF  
TIME TO FILE PETITION FOR A WRIT OF CERTIORARI**

**To the Honorable Neill M. Gorsuch, Associate Justice of the United States  
Supreme Court and Circuit Justice for the Tenth Circuit:**

In accordance with Rules 13, 22, 30.2, and 30.3 of the *Rules of the Supreme Court of the United States*, and for the reasons set forth herein, Petitioner/Applicant, Laquan Kyle Duane Shakespeare, respectfully applies to this Court for an order extending the time in which to file his petition for a writ of certiorari from September 12, 2022, until November 11, 2022, a period of sixty (60) days. In support of this Application, Petitioner shows the Court as follows:

**BACKGROUND**

Mr. Shakespeare is in the custody of the United States Bureau of Prisons. He is incarcerated under a 5 year mandatory minimum revocation sentence rendered pursuant to 18 U.S.C. § 3583(k), which is the subject of this proceeding, and is to be served consecutively to a 293 month sentence in another case for Abusive Sexual Contact, which formed the basis for the revocation term of imprisonment herein. On April 29, 2022, the United States Court of Appeals for the Tenth Circuit issued a published opinion in Case No. 21-8010, wherein the circuit court denied Mr. Shakespeare’s appeal of his revocation sentence. *See* Opinion attached as Attachment 1. Petitioner timely sought rehearing from the Tenth Circuit Court of Appeals, but the same was denied on June 13, 2022. *See* Order, attached hereto as Attachment 2.

## ARGUMENT AND AUTHORITIES

Petitioner, Laquan Kyle Duane Shakespeare, seeks a writ of certiorari to the United States Court of Appeals for the Tenth Circuit with respect to its decision rendered on April 29, 2022, as referenced above. This Court’s jurisdiction to grant the same arises pursuant to 28 U.S.C. § 1254(1). According to Supreme Court Rule 13.3, a petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit is due on or before September 12, 2022. *See* Supreme Court Rule 13.3 (“[T]he time to file the petition for a writ of certiorari . . . runs from the date of the denial of rehearing”). However, the time granted by Supreme Court Rule 13.3 will be insufficient to allow Petitioner’s counsel to adequately address the issues at hand, which are of vast import. Therefore, Petitioner/Applicant Laquan Kyle Duane Shakespeare seeks an extension of sixty (60) days in which to file his petition for a writ of certiorari. *See* Supreme Court Rule 13.5 (“[A] Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days”).

In accordance with Supreme Court Rule 13.5, this application is submitted at least ten (10) days prior to the present due date. Further, the requested extension is made in good faith and not for purposes of delay. The requested extension is due to the importance associated with the issues involved, namely, the imposition of a mandatory minimum 60 month revocation term of imprisonment pursuant to 18 U.S.C. § 3583(k). This statutory provision was previously found unconstitutional by this Court in *United States v. Haymond*, \_\_U.S.\_\_, 139 S.Ct. 2369, 2385 (2019). The *Haymond* Court remanded to the Tenth Circuit to address

if an appropriate remedy existed so that the revocation statute could be given effect; however, the appeal was dismissed upon remand upon request of the Government. *United States v. Haymond*, 935 F.3d 1059, 1064 (10th Cir. 2019). Thus, an open question remains as to the appropriate remedy, if any, so that § 3583(k) may be constitutionally applied to defendants such as Mr. Shakespeare. It is respectfully submitted that given the Court's prior decision in *Haymond*, Mr. Shakespeare's mandatory minimum 60 month sentence imposed pursuant to § 3583(k) presents a question of particular import. As such, it is necessary that counsel be granted additional time to research the constitutional issues at hand so that counsel may prepare Petitioner's petition with appropriate care and accuracy.

Mr. Shakespeare's counsel, Robert Jackson, is a solo private-practice attorney and is appointed in this matter pursuant the Criminal Justice Act, 18 U.S.C. § 3006A. Counsel maintains both an active private practice and CJA case loads. Counsel has numerous obligations in trial level criminal representations in the Western District of Oklahoma, in addition to appellate obligations in the Tenth Circuit. In addition to federal practice, counsel also has an active inventory of Oklahoma state court matters and transactional matters. Given the press of business in his solo law practice and obligations to clients other than Mr. Shakespeare, counsel is unable to adequately research and prepare a petition for certiorari in this matter in the time presently allotted. Undersigned counsel is the sole counsel for Mr. Shakespeare; thus, there is no associated counsel who can prepare the Petition for timely filing.

In light of counsel's current obligations and the importance of the constitutional issues that will be presented, not to mention this court's on-point opinion in *Haymond* declaring the statutory provision at issue herein unconstitutional, counsel submits that a sixty (60) day extension is necessary and appropriate in order to efficiently and effectively prepare the petition for writ of certiorari on behalf of Mr. Shakespeare.

WHEREFORE, in the interest of justice and for good cause shown, counsel submits that a reasonable extension of time should be granted to complete Mr. Shakespeare's petition for a writ of certiorari. Counsel respectfully request this Court extend the current September 12, 2022 deadline for 60 days until November 11, 2022.

Respectfully submitted,

*s/ Robert S. Jackson\**

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Dated this 26th day of August, 2022