

OCTOBER TERM, 2021

CASE NO. _____
IN THE SUPREME COURT OF THE UNITED STATES

BRIAN DORSEY,
Petitioner,

v.

DAVID VANDERGRIFF,
Respondent.

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

PETITIONER, Brian Dorsey, through undersigned counsel, respectfully moves for an extension of sixty days to prepare and file his Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit. In support of this request, Mr. Dorsey respectfully submits:

1. On April 7, 2022, the United States Court of Appeals for the Eighth Circuit affirmed the denial of the writ of habeas corpus pursuant to 28 U.S.C. §2254. *Dorsey v. Vandergriff*, 30 F.4th 752 (8th Cir. 2022). Mr. Dorsey sought rehearing and rehearing *en banc*. Rehearing and rehearing *en banc* were denied on June 16, 2022. Mr. Dorsey, through undersigned counsel, wishes to file a Petition for Writ of Certiorari to seek this Court's review of the Eighth Circuit's judgment. This Court has jurisdiction to review the Eighth Circuit's decision pursuant to 28 U.S.C. §1257. Petitioner's certiorari petition is currently due on September 14, 2022. *See* Sup.Ct.R. 13.1. In accordance with this Court's rules, this request is made at least ten days in advance of the current due date. *See* Sup.Ct.R. 13.5.

2. Mr. Dorsey's case presents complex legal issues and involves seven years of proceedings in the United States District Court for the Western District of Missouri and the United States Court of Appeals for the Eighth Circuit. Substantial time is required to consider the issues that may be relevant to a petition for certiorari. Moreover, Mr. Dorsey requests additional time to file in light of counsel's heavy workload. As a supervisor, counsel has various recurring duties involved with running the Capital Habeas Unit; those have increased this summer with the hiring of two new staff members. Furthermore, undersigned is co-counsel on a capital case in which a circuit court of appeals issued an opinion on August 22, 2022; this requires immediate attention because of upcoming filing deadlines. Counsel also is responsible for a newly-discovered-evidence statutory deadline on September 10 that cannot be extended; this pleading has required substantial effort to comb through thousands of pages of documents for the upcoming deadline and then to author the claims.

3. Under these circumstances, the undersigned respectfully requests that the Court grant this Motion and extend the time in which to file the Petition for Writ of Certiorari by sixty days, until November 13, 2022.

4. The granting of this request shall cause no prejudice to the Respondent.

5. This request is made in good faith and is not predicated on an intent to delay the resolution of this litigation.

WHEREFORE, Petitioner Brian Dorsey prays that the Court allow a sixty-day extension for the preparation and filing of this Petition for Writ of Certiorari.

Respectfully submitted,



Kirk J. Henderson
Counsel for Petitioner, Brian Dorsey

Dated: September 2, 2022