

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Dennis Dean Neff,

Petitioner,

v.

United States of America,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

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

VIRGINIA L. GRADY
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To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioner Dennis Dean Neff, by undersigned counsel, prays for a 30-day extension of time, to and including Monday, November 28, 2022, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On July 29, 2022, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Neff's convictions for possessing a firearm and controlled substances. (Attachment A.)

2. Mr. Neff has ninety days from that day to file a petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on Thursday, October 27, 2022. This application is being filed at least ten days before that date.

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

4. Since the Tenth Circuit Court of Appeals' order and judgment in this case, undersigned counsel has filed a reply brief in *United States v. Salti*, 21-3183 (filed August 11) and an opening brief in *United States v. Warrington*, 22-7003 (filed September 7), presented oral argument in *United States v. Bush*, 21-3071 (argued September 28), and has been working on the opening briefs in *United States v. Blackburn*, 22-8029 (due October 24) and *United States v. Morrison*, 22-5014 (due October 26) and motions for compassionate release in *United States v. Burkes*, D. Wyo. case no. 1:15-cr-149 and *United States v. Curtis*, D. Wyo. case no. 19-cr-00182. Counsel

also recently has been occupied with ongoing work with colleagues in evaluating legal issues and preparing pretrial motions in numerous cases in the district courts in Colorado and Wyoming, including but not limited to *United States v. Dear*, 19-cr-506 (emergency motion for stay filed September 21) and *United States v. Daniels*, D. Colo. case no. 21-cr-332 (pretrial motion replies filed in late August for hearing on September 12th).

5. Additionally, during this time, counsel has spent considerable time on work related to the conditions of confinement of multiple clients, assisted colleagues in preparing for oral arguments before the Tenth Circuit at its September sitting, co-presented a Continuing Legal Education (“CLE”) program in August and organized another CLE program in July as well as a full-day, in-person conference in September. Finally, managerial and supervisory responsibilities also take up a great deal of counsel’s time.

6. Given their own current caseloads, as well as the work undersigned counsel has put into this case as counsel of record, no other attorney in the Office of the Federal Public Defender is in a position to file the petition by its current due date.

* * *

For these reasons, Petitioner Dennis Dean Neff respectfully requests that an order be entered extending the time in which to petition for a writ of certiorari by 30 days, to and including Monday, November 28, 2022. *See* Sup. Ct. R. 13.5.

Respectfully submitted,

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