

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SETH GRANT HUNTINGTON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

To the Honorable Brett Kavanaugh, as Circuit Justice for the United States Court of Appeals for the Eighth Circuit:

Petitioner Seth Grant Huntington, by and through counsel and pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, respectfully moves the Court for an order extending by 60 days the deadline for filing the petition for writ of certiorari. The Court of Appeals issued its opinion (attached as Exhibit 1) on August 12, 2022, and then denied rehearing en banc (attached as Exhibit 2) on October 3, 2022. Absent an extension of time, the Petition for Writ of Certiorari would be due on Monday, January 3, 2023. *See* S.Ct. R. 13.1 and 30.1. Petitioner is filing this application more than ten days before that date. *See* S. Ct. R. 13.5. This Court would have jurisdiction over any timely-filed petition for certiorari under 28 U.S.C. § 1254(1).

The undersigned attorney is a solo practitioner who represents Mr. Huntington by appointment under the Criminal Justice Act, 18 U.S.C. § 3006A (appointment order attached as Exhibit 3). Mr. Huntington is currently incarcerated, serving the 180-month prison sentence that was imposed in this case.

The petition for writ of certiorari intends to address an important issue regarding the proper analysis of assault offenses under the Armed Career Criminal Act. Specifically, Mr. Huntington has argued that Minnesota assault offenses do not require the degree of force necessary to qualify as violent felonies, as defined by this Court in *Johnson v. United States*, 559 U.S. 133 (2010).

As is always the case with ACCA predicate issues, the analysis is intense and, to be done well, must consider how state laws have been interpreted throughout the circuit courts. Counsel is applying for this extension because he maintains a busy solo practice and has ongoing obligations to current clients. Furthermore, counsel has a previously-scheduled vacation for the last two weeks in December. Counsel believes the issue presented is potentially meritorious, but it requires additional time to adequately research and then present the analysis to the Court in a manner that will give full service to Mr. Huntington's interests.

Based on the foregoing, Appellant Mr. Huntington respectfully requests that this Court extend the deadline for filing a petition for writ of certiorari by 60 days, up to and including March 2, 2023.

Respectfully submitted,

Dated: December 19, 2022



Thomas H. Shiah
Minnesota Attorney #100365
331 Second Avenue South
Suite 705
Minneapolis, MN 55401
(612) 338-0066

Attorney for Petitioner