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IN THE
SUPREME COURT OF THE UNITED STATES

George Bush, Jr.

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**

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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 George Bush, Jr., by undersigned counsel, prays for a 30-day extension of time, to and including February 22, 2023, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On October 24, 2022, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Bush's sentence for a variety of federal drug offenses.

(Attachment A.) The court also rejected as foreclosed by this Court's precedent a challenge Mr. Bush preserved for review before this Court, namely whether a court may rely on acquitted conduct at sentencing. (*See* Attachment A at 8 n.5.)

2. Mr. Bush has ninety days from that date to file a petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on January 23, 2023. 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. Undersigned counsel is currently responsible for preparing the opening brief in *United States v. Waffle*, 22-5084 (due January 19), the reply brief in *United States v. Blackburn*, 22-7003 (due January 18) and the reply brief in *United States v. Warrington*, 22-7003 (due January 11). In early December, counsel was occupied with presenting at two Continuing Legal Education programs in Wyoming and Colorado (on December 8th and 9th, respectively), and then was out on unexpected sick leave

much of the following week. Thereafter, counsel also was out of the office on long-planned annual leave from December 22nd until January 3rd.

5. In addition to a petition for certiorari in this case and the above-mentioned briefs, counsel also must soon turn to the opening briefs in *United States v. Baca*, 22-1377 (record due January 10) and *United States v. Taylor*, 22-1392 & 1442 (procedurally consolidated cases with full record anticipated to be received in early February) and an answer brief in *United States v. Daniels*, 22-1378 (government opening brief due January 26), as well as assisting colleagues prepare for oral arguments at the Tenth Circuit Court of Appeals' January sitting. Finally, counsel is also occupied with ongoing work with colleagues in evaluating legal issues and preparing pretrial motions in a number of cases in the district courts in Wyoming and Colorado, as well as evaluating and preparing motions for compassionate release in *United States v. Burkes*, D. Wyo. case no. 15-cr-149 and *United States v. Curtis*, D. Wyo. case no. 19-cr-182, and supervisory duties also take a significant amount of counsel's time. Finally, counsel requires additional time to confer with his client, who is confined in a Bureau of Prisons facility out of state.

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.

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For these reasons, Petitioner George Bush, Jr. 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 February 22, 2023. *See* Sup. Ct. R. 13.5.

Respectfully submitted,

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