

No. _____

In the
Supreme Court of the United States

EARNEST EUGENE PADILLOW,

APPLICANT-PETITIONER,

- against -

SCOTT CROW, INTERIM DIRECTOR, OKLAHOMA
DEPT. OF CORRECTIONS.

RESPONDENT.

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

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

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Counsel for Petitioner-Appellant

To The Honorable Justices of the Supreme Court of the United States

Pursuant to the Rule 30.3 of this Court, Petitioner respectfully request a 60-day extension of time, up to and including October 30, 2022, within which to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Tenth Circuit in this case. Absent an extension, Petitioner's petition would be due 90-days from the final judgment from the of the United States Court of Appeals for the Tenth Circuit in this case, which is August 31, 2022.

Basis for Jurisdiction in the Supreme Court

This Court has jurisdiction to grant an application for a writ of certiorari in this case pursuant to 28 U.S.C. § 1254, as Petitioner seeks review of a judgment of the United States Court of Appeals for the Tenth Circuit.

Opinion and Order

On June 1, 2022, the United States Court of Appeals for the Tenth Circuit filed an order denying Petitioner a Certificate of Appealability. See *Earnest Eugene Padillow, v. Scott Crow*, Case No. 21-5064.

Judgment Sought to be Reviewed

The United States Court of Appeals for the Tenth Circuit affirmed the United States District Court for the Northern District of Oklahoma on June 1, 2022. Both lower courts held, in denying Petitioner Habeas Corpus relief and a subsequent Certificate of Appealability, that Petitioner did not meet the burden of *Strickland v. Washington* burden, nor did he meet the burden in *Illinois v. Allen*. In fact, the Tenth Circuit denied relief on all issues appealed.

Petitioner claims that these findings are without merit and contrary to law of this Court.

Reasons for Extension of Time

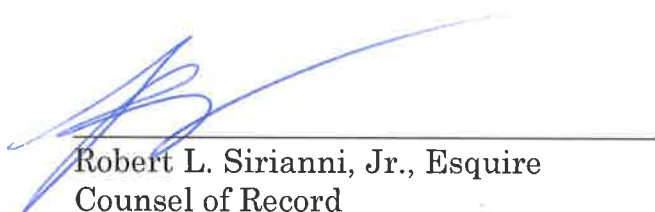
The additional time is warranted due to significant professional obligations in pending appellate matters and the need to consult and obtain documentary evidence. The legal issues in the case require coordination between counsel and Petitioner.

Petitioner believes an extension will result in no prejudice to Respondent.

CONCLUSION

Petitioner's request is intended to ensure that Petitioner and counsel have adequate opportunity to discuss the merits of their claim, retrieve and review all appellate documents, and provide a complete and effective

Respectfully submitted,



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Counsel for Petitioner

Dated: July 28, 2022.


CERTIFICATE OF CONSULTATION

I HEREBY CERTIFY that counsel for Respondent was contacted via e-mail for Respondent's position regarding this extension and Respondent does not object to the extension up to October 30, 2022.

CERTIFICATE OF SERVICE

I, Robert L. Sirianni, Jr., hereby certify that an original and 2 copies of the foregoing Application for Extension of Time for the matter of, were sent via Next Day Service to the U.S. Supreme Court, and 1 copy was sent Next Day Service and email to the following parties listed below, this 28th day of July 2022.

Jennifer B. Miller, Esquire
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Counsel for Respondent



Robert L. Sirianni, Jr., Esquire

BROWNSTONE, P.A.
B r i e f s a n d R e c o r d s

Supreme Court of the United States
United States Courts of Appeals


CERTIFICATE OF SERVICE

I, Robert L. Sirianni, Jr., Esquire, hereby certify that an original and 2 copies of the foregoing Application for Additional Time in Earnest Eugene Padillow v. Scott Crow, Interim Director, Oklahoma Dept. of Corrections, were sent via Next Day Service to the U.S. Supreme Court, and 1 copy was sent Next Day Service and e-mail to the following parties listed below, this 28th day of July 2022:

Jennifer B. Miller, Esquire
Office of the Attorney General for the State of Oklahoma
Litigation Department
313 NE 21st Street
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Tel: (405) 521-3921
Email: Jennifer.Miller@oag.ok.gov
Counsel for Respondent

Sworn to and subscribed before me by said Affiant on the date designated below.

Date: July 28, 2022



Notary Public
[seal]

