

NO. \_\_\_\_\_

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

Shawn Thomas Borne.

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  
Federal Public Defender

LEAH D. YAFFE  
Assistant Federal Public Defender  
*Counsel of Record for Petitioner*  
633 17th Street, Suite 1000  
Denver, Colorado 80202  
(303) 294-7002

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

Petitioner Shawn Thomas Borne, by undersigned counsel, prays for a 30-day extension of time, to and including July 2, 2025, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On March 4, 2025, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Borne's conviction. (Attachment A.)
2. Mr. Borne 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 June 2, 2025. 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' affirmance of Mr. Borne's conviction on March 4, 2025, undersigned counsel has filed an opening brief in *United States v. Garcia*, No. 24-1051 (filed March 26, 2025); an opening brief in *United States v. Smith*, No. 24-5088 (filed April 14, 2025); an opening brief in *United States v. Kirby*, No. 24-7070 (filed April 28, 2025); and a reply brief in *United States v. Simmons*, No. 24-6077 (filed May 5, 2025). Counsel also has a supplemental opening brief currently due on June 2, 2025 in *United States v. Cato*, No. 24-5093, and oral argument set before the Tenth Circuit on July 15, 2025, in *United States v. Simmons*, No. 24-6077.

5. 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 Shawn Thomas Borne 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 July 2, 2025. *See* Sup. Ct. R. 13.5.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

LEAH D. YAFFE  
Assistant Federal Public Defender  
*Counsel of Record for Petitioner*  
633 17th Street, Suite 1000  
Denver, Colorado 80202  
(303) 294-7002