

IN THE SUPREME COURT OF THE UNITED STATES

JUANE KENNEL,
Petitioner,

vs.

CINDY GRIFFITH,
Respondent.

**APPLICATION FOR A SECOND THIRTY (30) DAY EXTENSION OF
TIME IN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

TO: THE HONORABLE NEIL GORSUCH ASSOCIATE JUSTICE OF THE
UNITED STATES SUPREME COURT, AND CIRCUIT JUSTICE FOR
THE EIGHTH CIRCUIT:

Pursuant to Rule 13.5, petitioner respectfully requests a second thirty (30) day extension of time in which to file his petition for a writ of certiorari in this Court, up to and including May 11, 2018. In support of this application, petitioner states the following grounds:

1. Petitioner, Juane Kennel, is a Missouri prisoner serving a sentence of life without parole who intends to seek discretionary review in this Court, pursuant to 28 U.S.C. § 1254, of the opinion and judgment affirming the denial of his habeas corpus petition issued by the Eighth Circuit Court of Appeals on October 17, 2017. A copy of the opinion and judgment is attached hereto. The Eighth

Circuit subsequently denied rehearing and rehearing *en banc* on December 12, 2017. A copy of this order is attached hereto.

2. Pursuant to Rule 13, petitioner's petition for a writ of certiorari was originally due on or before March 12, 2018. Justice Gorsuch previously granted a thirty (30) day extension of time until April 11, 2018.

3. Counsel needs more time to prepare the petition because this case presents complex procedural bar and due process questions involving a multifaceted claim under *Brady v. Maryland* that involved protracted litigation before the district court, which included extensive court ordered discovery and a two day evidentiary hearing.

4. An extension is also necessary because counsel has several contemporaneous obligations in other cases, including, but not limited to, an unextendable March 21, 2018 deadline to file a lengthy amended post-conviction motion pursuant to Missouri Supreme Court Rule 29.15 in *Hodges v. State*, Case No. 1731-CC01658, and an evidentiary hearing in 29.15 action in the Circuit Court of Cass County, Missouri in *Ward v. State*, Case # 16CA-CC00024, that is scheduled for March 20, 2018. Counsel also has a vacation scheduled for the week of April 9, 2018.

WHEREFORE, for the foregoing reasons, petitioner respectfully requests that the honorable Neil Gorsuch, in his capacity as Circuit Justice for the Eighth

Circuit, issue an order granting petitioner a second thirty (30) day extension of time up to and including May 11, 2018, in which to file his petition for a writ of certiorari.

Respectfully submitted,

/s/ Kent E. Gipson

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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I, Kent E. Gipson, attorney for petitioner, hereby certify that on the 7th day of March, 2018, a true and correct copy of the foregoing was forwarded to:

Michael Joseph Spillane
Assistant Attorney General
P.O. Box 899
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/s/ Kent E. Gipson

Kent E. Gipson