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IN THE
SUPREME COURT OF THE UNITED STATES

JAMES KEITH BEIERLE,

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 Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioner James Keith Beierle, by undersigned counsel, prays for a 60-day extension of time, to and including April 30, 2018, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On November 29, 2017, the United States Court of Appeals for the Tenth Circuit affirmed the judgment of the district court in this case. *See* Attachment. Rehearing was not sought.

2. Mr. Beierle has ninety days from November 29, 2017, to petition for a writ of certiorari. Sup. Ct. R. 13.3. Ninety days from November 29, 2017, is February 27, 2018. Sup. Ct. R. 30.1. This application is being filed at least ten days before that date. *Id.*

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

4. Undersigned counsel believes an extension of time will be needed to adequately prepare Mr. Beierle's petition for writ of certiorari. Since the Tenth Circuit's November 29, 2017 decision, undersigned counsel has filed briefs in *United States v. Silva*, No. 17-2030 (10th Cir.) (filed reply brief December 20, 2017); *United States v. Frias*, No. 17-1242 (10th Cir.) (filed opening brief December 29, 2017); *United States v. Ferrell*, No. 17-1024 (10th Cir.) (filed supplemental brief January 12, 2018); and *United States v. Howard*, No. 17-8060 (10th Cir.) (filed opening brief January 19, 2018). Counsel also delivered oral argument in *United States v. Angeles*, No. 16-3354 (10th Cir.)

(argued January 18, 2018), and assisted colleagues in preparing for oral argument at the Tenth Circuit's regular January sitting and a February special session.

Undersigned counsel has also been out of the office repeatedly in January and February for illness, and to care for ill family members.

5. The requested extension of time is for sixty days, to and including Monday, April 30, 2018. *See* Sup. Ct. R. 13.5 (authorizing extension of up to sixty days for the filing of a petition for writ of certiorari).

6. Counsel seeks this extension of time because during the requested extension period, undersigned counsel also is responsible for preparing briefs in *United States v. Mekaeil*, No. 17-3135 (10th Cir.) (reply brief due March 1, 2018); *United States v. Frias*, No. 17-1242 (10th Cir.) (reply brief due March 8, 2018); *United States v. Deal*, No. 17-8082 (10th Cir.) (opening brief due February 20, 2018); *United States v. Winder*, No. 17-8075 (10th Cir.) (opening brief due March 19, 2018); *United States v. Purify*, No. 17-5113 (10th Cir.) (opening brief due March 19, 2018); *United States v. Quintana-Torres*, No. 17-3256 (10th Cir.) (opening brief due March 22, 2018); and *United States v. Smith*, No. 18-1020 (10th Cir.) (appellate record anticipated in late-February). Counsel also is scheduled to deliver oral argument in two cases at the Tenth Circuit's March sitting, in *United States v. Silva*, No. 17-2030 (10th Cir.) (oral argument scheduled for March 20, 2018), and *United States v. Mekaeil*, No. 17-3135 (10th Cir.) (oral argument scheduled for March 22, 2018).

WHEREFORE, James Keith Beierle respectfully requests that an order be entered extending his time in which to petition for certiorari by sixty days, to and including April 30, 2018.

Respectfully submitted,

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