
IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

DAVID HOSIER,

Petitioner,

vs.

TRAVIS CREWS,

Respondent.

(CAPITAL CASE)

APPLICATION FOR EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI

TO: THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE
JUSTICE FOR THE UNITED STATES SUPREME COURT AND
CIRCUIT JUSTICE FOR THE EIGHTH CIRCUIT

Pursuant to United States Supreme Court Rule 13.5, Petitioner requests a sixty (60) day extension of time in which to file his Petition for a Writ of certiorari in this Court up to and including July 31, 2023 (sixty (60) days from the current deadline of June 1, 2023). In support of this Application, Mr. Hosier states:

1. Petitioner, David Hosier, is a Missouri death-sentenced prisoner housed currently at the Potosi Correctional Center in Mineral Point, Missouri.

2. Pursuant to United States Supreme Court Rule 13.5, Petitioner

requests a sixty (60) day extension of time in which to file his Petition for a Writ of certiorari in this Court up to and including July 31, 2023 (the next workday after sixty (60) days from the current deadline of July 30, 2023). In support of this Application, Mr. Hosier states:

3. Mr. Hosier seeks review in this Court of the decision of the United States Court of Appeals for the Eighth Circuit denying a certificate of appealability as to either of the two (2) grounds for relief in his habeas corpus petition. *See* attached Exhibit.

4. The judgment of the United States Court of Appeals was entered on January 6, 2023.

5. Mr. Hosier's motion for rehearing with suggestion for rehearing *en banc* was considered, and denied, by the United States Court of Appeals on March 3, 2023. *See* attached.

6. Mr. Hosier's time in which to petition this Court for a Writ of Certiorari expires on June 1, 2023 (90 days calculated from March 3, 2023).

7. Pursuant to United States Supreme Court Rule 13.5, this Application is being filed more than ten days before June 1, 2023.

8. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §

1254.

9. This is a capital habeas corpus case. Mr. Hosier is indigent. The undersigned counsel has been appointed by the United States Court of Appeals to represent Mr. Hosier on appeal from the district court and in certiorari proceedings in this Court.

10. Pursuant to counsel's obligations to Mr. Hosier, the undersigned counsel has a duty pursuant to reasoned professional judgment to draft and present a Petition for a Writ of Certiorari to review the decision of the United States Court of Appeals for the Eighth Circuit.

11. Counsel requests an extension in this case because of previously set scheduling deadlines in other cases that require counsel's attention, and also other work in cases, including:

- a. (Mr. Weis) Application for certificate of appealability and a reply in a capital case now pending in the United States Court of Appeals for the Eighth Circuit. *Collings v. Griffith*, 23-1064. Traverse to be filed in the United States District Court for the Western District of Missouri in a capital case. *Driskill v. Blair*, 21-cv-8002-SRB

b. (Ms. Law) Investigation in a capital case pending in the State of Kansas in preparation for filing an amended state post-conviction motion. *Kleypas v. State*, 18-cv-00005-P. Team preparation for oral argument in a capital case from Kentucky. *Fields v. Jordan*, 17-5065.

12. Mr. Hosier has not previously petitioned this Court for an extension of time in which to file a Petition for a Writ of Certiorari.

13. Counsel avers that this Application is made in good faith and not for purposes of delay.

Wherefore, Mr. Hosier requests respectfully that an order issue establishing the due date for Petitioner's Petition for a Writ of Certiorari on **Monday, July 31, 2023**.

Dated May 19, 2023.

Respectfully Submitted,

/s/ Jeremy S. Weis

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