

No. 23-__

IN THE
Supreme Court of the United States

JOE LAWRENCE GALLEGOS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

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

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant Joe Gallegos respectfully requests a thirty day extension of time, up to and including November 3, 2023, to file a petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit, seeking review of that court's decision in *United States v. Garcia*, 74 F.4th 1073 (10th Cir. 2023). The Tenth Circuit entered its decision originally on April 17, 2023. However, the court granted, in part, the United States' *Petition for Panel Rehearing*,

and subsequently entered judgment on July 5, 2023. The opinion and order respecting rehearing are attached as Appendix A and Appendix B, respectively. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for writ of certiorari will otherwise expire on October 3, 2023. This Application is timely because it has been filed on September 22, 2023, more than ten days prior to the date on which the time for filing the petition is to expire.


2. The applicant has good cause for an extension of time. The undersigned was assigned to represent Mr. Joe Gallegos pursuant to the Criminal Justice Act. The undersigned counsel's wife passed unexpectedly in her sleep on July 13, 2023, leaving two minor children and an older child in the home. Consequently, Counsel has been called away to attend to the passing of his wife, including interment in another state, and caring for and putting things in order for his children. This has significantly reduced the amount of time that would otherwise have been available for counsel to prepare a petition. Additionally, communication with the Applicant, who is incarcerated in a prison facility in the Bureau of Prisons, has been extraordinarily difficult. The inaccessibility of the applicant has resulted in misunderstandings regarding his appeal and further delay. Such misunderstandings lead him to submit a pro se motion to recall the mandate, which has been denied. Accordingly, the quality of the petition would greatly

benefit from an extension of time to allow Counsel to complete the requisite research and writing.

WHEREFORE, Applicant Joe Lawrence Gallegos respectfully requests that an order be entered extending the time to file a petition for writ of certiorari for thirty days, to and including November 3, 2023.

Dated: September 22, 2023

Respectfully submitted,


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