

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Nathan Russell Cates,

Petitioner,

v.

United States of America,

Respondent.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Tenth Circuit

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**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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VIRGINIA L. GRADY  
Federal Public Defender

AMY W. SENIA  
Assistant Federal Public Defender  
*Counsel of Record for Petitioner*  
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To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioner Nathan Russell Cates, by undersigned counsel, prays for a 30-day extension of time, to and including Wednesday, November 8, 2023, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On July 10, 2023, the United States Court of Appeals for the Tenth Circuit affirmed the judgment of the district court in this case denying Mr. Cates' motion to suppress evidence and motion for discovery. (Attachment A.)

2. Mr. Cates has ninety days from July 10, 2023, to file a petition for a writ of certiorari. *See* Sup. Ct. R. 13.3. The petition is, therefore, due on October 9, 2023. 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. Undersigned counsel believes an extension of time will be needed to adequately prepare Mr. Cates's petition for writ of certiorari. Undersigned counsel has been working diligently on other cases. Counsel filed in the Tenth Circuit Court of Appeals a reply brief in *United States v. Taylor*, Case No. 22-6114 on June 21, 2023; a reply brief in *United States v. Flechs*, Case No. 22-5088 on July 14, 2023; an opening brief and a supplemental opening brief in *United States v. Davis*, Case No. 23-5012 on July 21, 2023, and July 25, 2023, respectively; and an opening brief in *United States v. Reyes-Garcia*, Case Nos. 23-2068, 23-2069 on September 5, 2023. Counsel has a reply

brief in *United States v. Elmore*, Case No. 22-1432 (10th Cir.), currently due on September 29, 2023.

5. Additionally, counsel was diligently preparing for oral argument, which was scheduled for September 21, 2023, in *United States v. Taylor*, Case No. 22-6114 (10th Cir.). Unfortunately, counsel contracted the COVID-19 virus and had to move to vacate and reset oral argument. The Tenth Circuit granted the motion to vacate but has not yet reset the case for oral argument.

6. 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.

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WHEREFORE, Petitioner Nathan Russell Cates respectfully requests that an order be entered extending his time in which to petition for certiorari by thirty days, to and including November 8, 2023.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ Amy Senia  
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