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IN THE  
SUPREME COURT OF THE UNITED STATES

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Paul Curtis Pemberton,

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

Petitioner Paul Curtis Pemberton, by undersigned counsel, prays for a 60-day extension of time, to and including October 25, 2024, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On March 4, 2024, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Pemberton's sentence, and on May 28, 2024, denied his Petition for Rehearing En Banc (Attachment A.)

2. Mr. Pemberton has ninety days from May 28, 2024, to file a petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on August 26, 2024. 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. Since the filing of the rehearing petition in this case, counsel has worked on many appeals, including filing preservation opening briefs in *United States v. Elliott*, 24-8019 (July 2) and *United States v. Elwell*, 23-1407 (July 15) in the Tenth Circuit Court of Appeals, and in this Court, filing short petitions for certiorari in *Foreman v. United States*, 23-7515 (filed May 13; denied June 17) and *Talbot v. United States*, 24-5258 (filed August 5). Most pressing, however, counsel is managing the review of many hundreds of cases potentially eligible for a sentence reduction under the retroactive Amendment 821 to the United States Sentencing Guidelines, which has consumed

(and continues to) the majority of counsel's time. Counsel is currently also working on preparing four motions for compassionate release to be filed within the coming month in the districts of Colorado and Wyoming. Finally, supervisory duties, organizing or presenting at CLE training events (most recently on June 27th, and again this fall on October 17th and 24th), and ongoing work with colleagues in evaluating legal issues and assisting with pretrial motions in the district court also take up a significant portion of counsel's time.

5. Additionally, the Office of the Federal Public Defender did not represent Mr. Pemberton at the briefing or oral argument stages of this appeal, and only assumed representation after those stages were complete and the case had been submitted to the Court. *See* Appointment Order of December 28, 2023. The record in the case is extensive, at over 1,800 pages, and also is replete with involved pro se pleadings at the circuit level. For these reasons in particular, counsel seeks the full 60-day extension authorized, *see* Sup. Ct. R. 13.5, as opposed to a shorter period of time, as it will take counsel more time than is typical to prepare a petition of certiorari in this case.

6. Given their own current caseloads, as well as the work undersigned counsel has put into this case as counsel of record since the FPD was appointed, 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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For these reasons, Petitioner Paul Curtis Pemberton. respectfully requests that an order be entered extending the time in which to petition for a writ of certiorari by 60 days, to and including October 25, 2024. *See* Sup. Ct. R. 13.5.

Respectfully submitted,

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