

Case No. _____

In The
SUPREME COURT OF THE UNITED STATES
October Term 2025

Jesus Herrera-Salazar,
Applicant/Petitioner,

v.

United States of America,
Respondent.

**Application for an Extension of Time Within Which to File
a Petition for a Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit**

**APPLICATION TO THE HONORABLE JUSTICE
NEIL M. GORSUCH AS CIRCUIT JUSTICE**

Blain David Myhre
Member of the Tenth Circuit
CJA Appellate Panel
Blain Myhre LLC
PO Box 3600
Englewood, Colorado
(303) 250-3932
blainmyhre@gmail.com

January 2, 2026

Attorney for Applicant/Petitioner

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Jesus Herrera-Salazar hereby requests a 39-day extension of time within which to file a petition for a writ of certiorari, up to and including March 20, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is the judgment in *United States v. Herrera-Salazar*, No. 24-7029, in the Tenth Circuit (Order and Judgment issued September 26, 2025, rehearing denied November 10, 2025). The Order and Judgment is attached as Exhibit 1. The Order denying rehearing is attached as Exhibit 2. Undersigned counsel's order of appointment by the Tenth Circuit is attached as Exhibit 3.

JURISDICTION

This Court will have jurisdiction over a timely filed petition for writ of certiorari in this case pursuant to 28 U.S.C. §§ 1254(1). Under Rules 13.1, 13.3, and 30.1, a petition for a writ of certiorari is currently due on or before February 9, 2025. In accordance with Rule 13.5, this application is being filed at least 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION

Applicant respectfully requests a 39-day extension of time (until March 20, 2026) within which to file a petition for writ of certiorari seeking review of the decision of the United States Court of Appeals for the Tenth Circuit in this case.

1. Undersigned counsel is CJA-appointed counsel for Applicant. The Tenth Circuit's order of appointment (Exhibit 3) provided that "[t]he district court has made the requisite finding of eligibility for appointment of counsel pursuant to 18 U.S.C. § 3006A."

2. Undersigned counsel was appointed and handled the appeal through the Tenth Circuit. The Tenth Circuit affirmed the judgment in an Order and Judgment on September 26, 2025 (Exhibit 1). The Tenth Circuit denied a petition for rehearing on November 10, 2025 (Exhibit 2).

3. The requested extension of time is necessary because of the press of other client business. Since the denial of the petition for rehearing by the Tenth Circuit on November 10, 2025, undersigned counsel has had to work and will have to work on the following matters, among other matters: **(1)** *United States v. Lopez*, No. 24-3160, Tenth Circuit (CJA appointment), Reply Brief (filed November 20, 2025); **(2)** *United States v. Nevarez*, No. 25-3176, Tenth Circuit (CJA appointment), response to motion to enforce an appeal waiver in defendant's plea agreement (filed December 4, 2025); **(3)** *United States v. Miller*, No. 25-5122, Tenth Circuit (CJA appointment), Opening Brief (filed December 26, 2025); **(4)** *United States v. Miller*, No. 24-cr-83-NYW, District of Colorado, post-trial motions following criminal conviction (motions due January 15, 2026, under an extension); **(5)** *United States v. Cole*, No. 24-7077, Tenth Circuit (CJA appointment), Petition for Rehearing (due January 28, 2026, under an extension); **(6)** *United States v. Arvay*, No. 24-1497, Tenth Circuit (CJA appointment), Oral Argument set for February 5, 2026; **(7)** *United States v. Miranda-Espinoza*, No. 25-6166, Tenth Circuit (CJA appointment), Opening Brief (due February 26, 2026, under an extension); **(8)** *People v. Clark*, Nos. 08CR10425 and 08CR10480, Denver District Court (state post-conviction proceedings from two first-degree murder convictions and life sentences), extensive ongoing work for Colo. Crim. P. 35(c) post-conviction petitions. Undersigned counsel will also be traveling to Arizona for 5-7 days in early to mid-February to visit his elderly parents.

Because of these other commitments, the additional time is necessary to complete the petition for writ of certiorari in this case.

CONCLUSION

For the above foregoing reasons, Applicant respectfully requests that this Court grant an extension of 39 days, up to and including March 20, 2026, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

Blain David Myhre
Member of the Tenth Circuit
CJA Appellate Panel
Blain Myhre LLC
PO Box 3600
Englewood, Colorado
(303) 250-3932
blainmyhre@gmail.com

January 2, 2026

Attorney for Applicant/Petitioner

s/ Blain D. Myhre
Blain D. Myhre



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of January, 2026, a true and correct copy of the foregoing was filed with the Court and served electronically and by U.S. mail on the following:

Linda A. Epperley, Assistant United States Attorney
Patrick M. Flanigan, Assistant United States Attorney
520 Denison Avenue
Muskogee, Oklahoma 74401

Solicitor General of the United States
Room 5616
Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530-0001

s/ Blain D. Myhre
Blain D. Myhre

