

Application No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KENNETH SIMPSON,

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

APPLICATION FOR A THIRTY (30) DAY EXTENSION OF TIME IN WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI

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

Pursuant to Rule 13.5, Petitioner respectfully requests a thirty (30) day extension of time in which to file his petition for a writ of certiorari in this Court, up to and including April 10, 2026. In support of this application, Petitioner states:

1. Petitioner, Kenneth Simpson is currently serving a total prison term of 70 months, to be followed by a lifetime term of supervised release based on a guilty finding of failure to register as a sex offender and a supervised release revocation on a prior conviction that was imposed to run consecutively. He intends to seek discretionary review in

this Court, pursuant to 28 U.S.C. § 1254(1), of the judgment of the United States Court of Appeals for the Eighth Circuit affirming the judgment and sentence of the trial court, and denying his appeal. *United States v. Simpson*, No. 24-2576, decided November 6, 2025, rehearing denied December 11, 2025 (Attached).

2. Pursuant to Rule 13, Petitioner's petition for a writ of certiorari is currently due on or before March 11, 2026.

3. In this petition, Petitioner intends to advance arguments surrounding the application of 18 U.S.C. §3583 imposing supervised release and the double-jeopardy clause in imposing a new sentence on revocation of a lifetime supervised release.

4. Mr. Alexander is indigent and is represented by undersigned appointed counsel pursuant to the Criminal Justice Act. During the period for filing this petition, undersigned counsel filed opening briefs in *United States v. Crangle* and *United State v. Miller*. Counsel also travelled out of state for a case hearing in *People v. Amigon*, and travelled in-state for multiple cases and client visits. Counsel also engaged in extensive preparations for federal trial in a case that settled shortly before trial, and also extensive preparations for a post-

conviction hearing in a homicide case, that again was continued by the court just prior to the hearing. Counsel also filed post-hearing reply briefing in a capital post-conviction case. Counsel is also currently working on a Petition for Rehearing in a capital case in the Kentucky Supreme Court that is currently due on the same day as the Petition for Certiorari in the instant case. In addition to her appellate and post-conviction practice, counsel maintains a significant practice in the federal district court as well as some state court practice, and has engaged in multiple plea and sentencing hearings and filed multiple sentencing memoranda in federal court as part of her CJA practice. In addition to these things, counsel therefore spends significant time reviewing extensive discovery, attending court, filing motions with regard to bond conditions and other pretrial matters and travelling to meet with incarcerated clients. Counsel is part of a two-person statewide law partnership and therefore, aside from case consultations, the bulk of the work she is doing is without the assistance of support staff, associates, or other attorneys.

6. Petitioner has not previously petitioned this Court for an extension of time in which to file a petition for writ of certiorari in this case.

6. The extension is being filed in good faith and to assure that Mr. Simpson's appointed counsel provides him effective assistance in all of his proceedings, including the proceedings before this Court. It is not being filed for purposes of delay.

WHEREFORE, for the foregoing reasons, petitioner respectfully requests that Justice Kavanaugh, in his capacity as Circuit Justice for the Eighth Circuit, issue an order granting petitioner a thirty (30) day extension of time up to and including April 10, 2026, in which to file his petition for a writ of certiorari.

Respectfully Submitted,

/s/ Kathryn B. Parish

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