

No. _____

In the
Supreme Court of the United States

In re the Marriage of KEVIN RICHARD BATES,

Petitioner

v.

SILKE BATES,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF COLORADO

APPLICATION TO EXTEND TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

DYLAN O. DRUMMOND

Counsel of Record

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Counsel for Petitioner

To the Honorable Neil M. Gorsuch, as the Justice allotted to the Tenth Circuit Court of Appeals,¹ from which this case arises:

Pursuant to the Court's Rules 13.5, 21.1, 22.3, 30.2-.3, and 33.2, Petitioner Kevin Bates hereby files this, his Application to Extend Time to File Petition for Writ of Certiorari (the "Extension Application").

On May 26, 2026, the Supreme Court of Colorado denied the Petition for Writ of Certiorari timely filed by Petitioner. (App'x A). Pursuant to this Court's Rule 13.1, any petition for writ of certiorari before this Court is due on August 24, 2026. Pursuant to Rules 13.5 and 30.2, Petitioner timely files this Extension Application today, August 12, 2026—more than ten (10) days before his petition for writ of certiorari is due in this Court.

This Court possesses jurisdiction to grant review of this Case pursuant to 28 U.S.C. § 1257 regarding:

¹ See 42 U.S.C. § 42; SUPREME COURT OF THE UNITED STATES, CIRCUIT ASSIGNMENTS, <https://www.supremecourt.gov/about/circuitassignments.aspx> [<https://perma.cc/2LM6-86YW>].

- Whether the Free Exercise Clause of the First Amendment permits Colorado courts to retroactively characterize the Petitioner's judicially authorized payment of his children's parochial school tuition as "excessive spending" to justify its disproportionate marital property division under Colorado Revised Statute section 14-10-113; and
- Whether the Due Process Clause of the Fourteenth Amendment permits Colorado courts to retroactively characterize the Petitioner's litigation expenses—incurred in a successful appeal of a trial court's erroneous division of marital property—as "excessive spending" to justify its disproportionate property distribution under Colorado Revised Statute section 14-10-113 absent any supporting finding of unreasonableness?

Pursuant to Rule 13.5 and for the following specific reasons and good cause shown herein, Petitioner respectfully requests the Court grant his Extension Application and extend the time to file his petition for writ of certiorari by sixty (60) days:

First, undersigned counsel² was retained to represent Petitioner in this case on July 31, 2026. Six days later, the undersigned counsel presented argument to the Fifth Circuit

² In accordance with Rules 5.1–.6, 9.1, 33.2, and 34.1(f), the undersigned counsel has been admitted to practice before this Court since May 17, 2010.

Court of Appeals in *Santander Consumer USA, Inc. v. City of San Antonio and Alanis Wrecker Service, Inc.*, No. 25-50682.

Later today, August 12, 2026, undersigned counsel will undergo eye surgery under general anesthetic at North Central Baptist Hospital in San Antonio, Texas, which will necessitate several weeks of recovery.

Second, prior to retaining the undersigned counsel, and following the Colorado Supreme Court's denial of his petition for writ of certiorari on May 26, 2026, Petitioner unsuccessfully sought the assistance of more than one-hundred (100) counsel in representing him before the Court in this case.

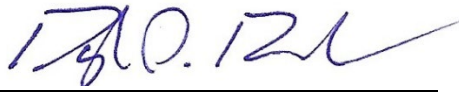
Should the Court grant his Extension Application, Petitioner's petition for writ of certiorari would be due before the Court on or before October 23, 2026.

Accordingly, pursuant to Rule 13.5 and the foregoing specific reasons and good cause shown herein, Petitioner respectfully requests the Court: (1) grant his Extension Application; (2) extend the time to file his petition for writ of certiorari before the Court by sixty (60) days; and (3) reset the deadline for him to file his petition for writ of certiorari to October 23, 2026.

August 12, 2026

Respectfully submitted,

LANGLEY & BANACK, INC., a
Texas professional corporation

By: 

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