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IN THE
SUPREME COURT OF THE UNITED STATES

Shawn Thomas Borne,

Petitioner,

v.

United States of America,

Respondent.

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

**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 Shawn Thomas Borne, by undersigned counsel, prays for a 30-day extension of time, to and including Friday, April 19, 2024, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On October 2, 2023, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Borne's conviction for felon in possession of a firearm under 18 U.S.C. § 922(g)(1). (Attachment A.)

2. On October 30, 2023, Mr. Borne filed a petition for rehearing en banc to the Tenth Circuit Court of Appeals. The Tenth Circuit issued an order denying Mr. Borne's petition for rehearing on December 21, 2023. (Attachment B.)

3. Mr. Borne has ninety days to file a petition for a writ of certiorari from the date of the denial of his petition for rehearing. Sup. Ct. R. 13.3. The petition is therefore due on March 20, 2024. This application is being filed at least ten days before that date.

4. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

5. Since the Tenth Circuit Court of Appeals' denial of Mr. Borne's petition for rehearing in this case, undersigned counsel has filed an opening brief in *United States v. Baker*, No. 23-8042 (filed December 22, 2023); an opening brief in *United States v. White*, No. 23-3122 (filed January 12, 2024); an opening brief in *United States v. Willis*, No. 23-1058 (filed February 6, 2024); and a reply brief in *United States v. Sweet*,

No. 23-5049 (filed March 5, 2024). Counsel also has an opening brief currently due on March 18, 2024 in *United States v. Rosado*, No. 23-1294, and an opening brief currently due on April 10, 2024 in *United States v. Rivera*, No. 23-1401.

6. Counsel has also assisted with *United States v. Roebuck*, 1:23-cr-00095 (District of Colorado) and is continuing to assist with *United States v. Mitchell*, 1:23-cr-00424 (District of Colorado).

7. 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.

* * *

For these reasons, Petitioner Shawn Borne respectfully requests that an order be entered extending the time in which to petition for a writ of certiorari by 30 days, to and including Friday, April 19, 2024. *See* Sup. Ct. R. 13.5.

Respectfully submitted,

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