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IN THE
SUPREME COURT OF THE UNITED STATES

Robert Lewis Dear, Jr.,

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**

VIRGINIA L. GRADY
Federal Public Defender

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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 Robert Lewis Dear, Jr., by undersigned counsel, prays for a 30-day extension of time, to and including January 21, 2025, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On June 10, 2024, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Dear's convictions. (Attachment A.)
2. On July 22, 2024, Mr. Dear petitioned for rehearing before the Tenth Circuit. That petition was denied on September 20, 2024. (Attachment B.)
3. Mr. Dear 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 December 19, 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. Due to obligations in other cases, counsel needs an extension of time to adequately prepare Mr. Dear's petition. Since the denial of Mr. Dear's petition for rehearing in this case, undersigned counsel has been working on the following cases in the Tenth Circuit: *United States v. Capps*, No. 23-3095 (rehearing petition filed September 24, 2024); *United States v. Romero*, No. 23-8056 (oral argument presented September 24, 2024); *United States v. Maryboy*, No. 23-4117 (reply brief filed October 9,

2024); *United States v. Moon Seals*, 24-1028 (petition for initial hearing en banc filed November 4, 2024; reply due December 9, 2024); *United States v. Moss*, No. 22-3101 (rehearing petition filed November 19, 2024); *United States v. Wabhaj*, No. 23-2168 (opening brief deadline recently extended from December 20, 2024, to February 20, 2025, due to exceptionally large record on appeal).

6. 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.

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For these reasons, Petitioner Robert Lewis Dear, Jr., 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 January 21, 2025. *See* Sup. Ct. R. 13.5.

Respectfully submitted,
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