

No. _____

IN THE
Supreme Court of the United States

_____ TERM, 20__

COLTON BAGOLA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**Application for Extension of Time to File
a Petition for Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit**

**APPLICATION DIRECTED TO THE HONORABLE JUSTICE BRETT
KAVANAUGH AS CIRCUIT JUSTICE**

JASON J. TUPMAN

Federal Public Defender

DAVID S. BARARI

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Attorneys for Petitioner

Comes Now petitioner Colton Bagola, though his attorney of record, Assistant Federal Public Defender David S. Barari, who, pursuant to Supreme Court Rule 13.5, requests an additional forty-five days in which to file a petition in this Court seeking certiorari to the Eighth Circuit Court of Appeals, up through Thursday, February 13, 2025. In support, counsel submits as follows:

JUDGMENT FOR WHICH REVIEW IS SOUGHT

Petitioner seeks an extension to file a petition for writ of certiorari. Petitioner is requesting review of the judgment issued by the Eighth Circuit Court of Appeals on July 19, 2024, affirming the petitioner's conviction. Petitioner filed a timely motion for petition for rehearing en banc, which the Eighth Circuit denied on September 30, 2024.

JURISDICTION

This Court will have jurisdiction over the timely filed petition pursuant to U.S.C. § 1254(1). Under Supreme Court Rules 13.1, 13.3, and 30.1, the current deadline for the filing of a petition for writ of certiorari is Monday, December 30, 2024. Petitioner files this request for additional time at least 10 days before the date the petition is currently due, in compliance with Supreme Court Rule 13.5.

REASONS FOR APPLICATION FOR EXTENSION

Counsel was unexpectedly out of the office October 21 through 29, 2024, due to a back injury and returned to work on a limited basis through November 12, 2024. Counsel is currently in the office as his condition allows, while attending

medical appointments including physical therapy, but has had limited time to prepare the petition for writ of certiorari in this matter.

Additionally, defense counsel has a variety of other obligations before the federal judiciary. For example, in the next month, counsel has four initial briefs due to the Eighth Circuit Court of Appeals. In addition, counsel is scheduled to present oral argument before the Eighth Circuit Court of Appeals on Thursday, December 19, 2024, in St. Paul, Minnesota. These obligations will make it difficult for counsel to finalize and file a satisfactory petition by the current deadline, despite counsel's diligent efforts to do so.

CONCLUSION

For the foregoing reasons, the petitioner respectfully requests that this Court grant a 45-day extension, to and including Thursday, February 13, 2025, in which to file a petition for writ of certiorari.

Dated this 10th day of December, 2024.

Respectfully submitted,

JASON J. TUPMAN
Federal Public Defender

By:

/s/ David S. Barari

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