

Case No. _____

In The
SUPREME COURT OF THE UNITED STATES
October Term 2024

In re Ashley Parnell,
Applicant/Petitioner,

v.

Tamika White,
Respondent.

**Application of an Extension of Time Within Which to File
a Petition for a Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit**

**APPLICATION TO THE HONORABLE JUSTICE
NEIL M. GORSUCH AS CIRCUIT JUSTICE**

Blain David Myhre
Member of the Tenth Circuit
CJA Appellate Panel
Blain Myhre LLC
PO Box 3600
Englewood, Colorado
(303) 250-3932
blainmyhre@gmail.com

January 1, 2025

Attorney for Applicant/Petitioner

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Ashley Parnell hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari, up to and including Monday, March 31, 2025.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is the Order Denying Certificate of Appealability in *Parnell v. White*, No. 23-5103 (September 16, 2024, rehearing denied November 1, 2024). The judgment is attached as Exhibit 1. The order denying rehearing is attached as Exhibit 2. Undersigned counsel's order of appointment by the Tenth Circuit is attached as Exhibit 3.

JURISDICTION

This Court will have jurisdiction over a timely filed petition for writ of certiorari in this case pursuant to 28 U.S.C. §§ 1254(a) and 2254(a). Under Rules 13.1, 13.3, and 30.1, a petition for a writ of certiorari is currently due on or before January 30, 2025. In accordance with Rule 13.5, this application is being filed at least 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION

Applicant respectfully requests a 60-day extension of time (until March 31, 2025) within which to file a petition for writ of certiorari seeking review of the decision of the United States Court of Appeals for the Tenth Circuit in this case.

1. Undersigned counsel is CJA-appointed counsel for Applicant. The Tenth Circuit's order of appointment (Exhibit 3) provided that "[t]he district court previously made the requisite finding of eligibility for appointed counsel in this § 2254 proceeding pursuant to 18

U.S.C. § 3006A. The interests of justice will be served by appointing new counsel for the appellant.” Undersigned counsel was appointed and handled the appeal through the Tenth Circuit. The Tenth Circuit denied a certificate of appealability and dismissed the appeal on September 16, 2024. The Tenth Circuit denied a petition for rehearing on November 1, 2024.

2. The requested extension of time is necessary because of the press of other client business and because of the need for undersigned counsel to communicate with Applicant. Since the denial of the petition for rehearing by the Tenth Circuit on November 1, 2024, undersigned counsel has had to work and will have to work on the following matters, among other matters: **(1)** *United States v. Samuels*, No. 24-6018, Tenth Circuit (CJA appointment), Reply Brief (filed November 22, 2024), supplemental authority (filed December 28, 2024); **(2)** *In re Estate of Beren*, Nos. 21CA1759 (Colorado Court of Appeals) and 96PR100401 (Denver Probate Court), address issues on proposed trust distribution before statutory objection deadline of November 24, 2024; **(3)** *United States v. Shelton*, No. 24-6100, Tenth Circuit (CJA appointment), Opening Brief (filed December 3, 2024); **(4)** *United States v. McNeal*, No. 24-1296, Tenth Circuit (CJA appointment), Opening Brief (filed December 19, 2024); **(5)** *People v. Clark*, Nos. 08CR10425 and 08CR10480, Denver District Court (state post-conviction proceedings from two first-degree murder convictions), extensive work on juror misconduct issue for Colo. Crim. P. 35(c) post-conviction petition (end of December 2024); **(6)** *Torres v. Barnhart*, No. 23CA2052, Colorado Court of Appeals, Reply Brief (due January 16, 2025 with no further extensions); **(7)** *United States v. Perry*, 23-5025, Tenth Circuit (CJA appointment), Petition for Rehearing (due January 16, 2025, under a previous extension); **(8)** *United States v. Williams*, No. 24-5126, Tenth Circuit (CJA appointment), Opening Brief (due January 27, 2025—the government has indicated it will file a motion to enforce an appeal waiver, in which case undersigned counsel will have to file a

response to that motion); (9) *United States v. Cole*, No. 24-7077, Tenth Circuit (CJA appointment), Opening Brief (due February 26, 2025 under a previous extension). Because of these other work commitments, the additional time is necessary to complete the petition for writ of certiorari in this case.

3. In addition to these other work commitments, undersigned counsel is in the process of selling his primary residence, with a closing date scheduled for January 8, 2025. Undersigned counsel has had to spend time since mid-December facilitating the sale transaction. Finally, undersigned counsel will be in Arizona on a previously planned, prepaid trip, January 4-9, 2025. Under all these circumstances, a 60-day extension of time to file a petition for writ of certiorari is warranted. A 60-day extension of time for the Applicant would allow undersigned counsel the time necessary to complete the petition for writ of certiorari and to consult appropriately with Ms. Parnell about that petition before it is filed.

CONCLUSION

For the above foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, up to and including March 31, 2025, within which to file a petition for a writ of certiorari in this case.

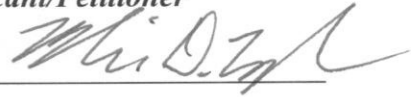
Respectfully submitted,

Blain David Myhre
Member of the Tenth Circuit
CJA Appellate Panel
Blain Myhre LLC
PO Box 3600
Englewood, Colorado
(303) 250-3932
blainmyhre@gmail.com

January 1, 2025

Attorney for Applicant/Petitioner

s/ Blain D. Myhre
Blain D. Myhre



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1st day of January, 2025, a true and correct copy of the foregoing was filed with the Court and served electronically and by U.S. mail on the following:

Caroline E.J. Hunt
Deputy Attorney General of Criminal Appeals
313 N.E. 21st Street
Oklahoma City OK 73105
caroline.hunt@oag.ok.gov

Solicitor General of the United States
Room 5616
Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530-0001

s/ Blain D. Myhre
Blain D. Myhre

