

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No. 2018-001321
Unpublished Opinion No. 2022-UP-376

James Nathaniel Allen, #171214 Respondent,

v.

South Carolina Department of Corrections Appellant.

**APPELLANT’S MOTION FOR AN EXTENSION OF THE
DEADLINE BY WHICH IT MAY FILE
A PETITION FOR REHEARING**

By an unpublished decision filed October 12, 2022, the Court affirmed the entirety of the decision issued by the South Carolina Administrative Law Court in the instant matter.

By operation of South Carolina Appellate Court Rule 221(a), SCDC now confronts a deadline of Thursday, October 27, 2022 by which to file a petition for rehearing regarding the Court’s October 12, 2022 unpublished decision.

For the reasons stated below, SCDC, by and through its undersigned counsel, respectfully moves the Court for an extension of the deadline by which it may file a petition for rehearing in the instant matter.

Specifically, SCDC’s undersigned counsel now respectfully moves this Court for an extension of the deadline by which SCDC must file and serve a petition for rehearing from Thursday, October 27, 2022 to Monday, November 14, 2022.

SCDC's undersigned counsel so moves given deadlines he has recently confronted in other matters pending in circuit court and federal court, and he specifically seeks a new deadline of Monday, November 14, 2022 to account for Veterans Day on Friday, November 11, 2022.

For these reasons, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, he respectfully urges this Court to extend the deadline by which SCDC may file and serve a petition for rehearing regarding the Court's October 12, 2022 unpublished decision in this instant matter from Thursday, October 27, 2022 to Monday, November 14, 2022.

RESPECTFULLY SUBMITTED:

s/Lake E. Summers

Lake E. Summers

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Counsel for the Appellant

October 27, 2022

Self-Represented Respondent:

James Nathaniel Allen, #171214

Perry Correctional Institution Q-1-B-108

430 Oaklawn Road

Pelzer, South Carolina 29669

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PROOF OF SERVICE

I certify that I have served the **APPELLANT’S MOTION FOR AN EXTENSION OF THE DEADLINE BY WHICH IT MAY FILE A PETITION FOR REHEARING** on the above named self-represented Respondent by mailing a copy to him, first class postage pre-paid, at the following address:

James Nathaniel Allen, #171214
Perry Correctional Institution Q-1-B-108
430 Oaklawn Road
Pelzer, South Carolina 29669

October 27, 2022

s/Lake E. Summers
Lake E. Summers
Malone, Thompson, Summers & Ott LLC

Counsel for the Appellant