

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Unpublished Opinion No. 2022-UP-376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 SECOND 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By an unpublished decision filed October 12, 2022, the Court affirmed the entirety of the decision issued by the South Carolina Administrative Law Court in the instant matter.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 an order issued November 1, 2022, the Clerk notified the undersigned counsel for the South Carolina Department of Corrections [SCDC] that the Court had granted his motion to extend the deadline for filing SCDC’s petition for rehearing regarding the Court’s October 12, 2022 unpublished decision from October 27, 2022 until today, November 14, 2022.

For the reasons stated below, SCDC, by and through its undersigned counsel, respectfully moves the Court for a second 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 a 96-hour extension of the deadline by which SCDC must file and serve a petition for rehearing from Monday, November 14, 2022 to Friday, November 18, 2022.

SCDC's undersigned counsel so moves given the following deadlines he has confronted and continues to confront in another matter pending in federal court, specifically a case styled *Wilbert J. Alexander, II, v. S.C. Dep't of Transportation*, C/A No. 3:20-4480-TLW-SVH:

- An October 31, 2022 deadline for filing the Defendant's summary judgment motion and supporting memorandum.
- A November 9, 2022 deadline for filing the Defendant's response in opposition to the self-represented Plaintiff's motion for sanctions, which the Plaintiff filed October 26, 2022 and about which SCDC's undersigned counsel received notice on October 27, 2022.
- A November 14, 2022 deadline for filing the Defendant's response in opposition to the self-represented Plaintiff's summary judgment motion and supporting memorandum, which the Plaintiff filed October 31, 2022 and about which SCDC's undersigned counsel received notice on November 1, 2022.

SCDC's undersigned counsel, therefore, 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 Monday, November 14, 2022 to Friday, November 18, 2022.

RESPECTFULLY SUBMITTED:

s/Lake E. Summers

Lake E. Summers

S.C. Bar #64146

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Counsel for the Appellant

November 14, 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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SC Court of Appeals

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PROOF OF SERVICE

I certify that I have served the **APPELLANT’S SECOND 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

November 14, 2022

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

Counsel for the Appellant