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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

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

Court of Appeals Unpublished Opinion No. 2022-UP-373
Court of Appeals Appellate Case No. 2018-001324

Reyes Cabrera Pena, #265665 Respondent,

v.

South Carolina Department of Corrections Appellant.

**MOTION FOR A 30-DAY EXTENSION OF THE DEADLINE BY WHICH
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
MAY FILE ITS PETITION FOR WRIT OF CERTIORARI**

On October 12, 2022, the Court of Appeals issued its unpublished opinion in the above-captioned matter. *See Reyes Cabrera Pena, #265665, Respondent, v. S.C. Dep’t of Corr., Appellant*, Unpublished Opinion No. 2022-UP-373 (Oct. 12, 2022), -- S.E.2d --, 2022 WL 6881844 (S.C. Ct. App. 2022).

By an order dated December 22, 2023, the Court of Appeals denied the petition for rehearing filed by the Petitioner, the South Carolina Department of Corrections [“SCDC”]. Consequentially, SCDC’s petition for writ of certiorari is, by operation of South Carolina Appellate Court Rule [“SCACR”] 242(c), due no later than Monday, January 23, 2023.

However, SCDC’s undersigned counsel respectfully moves, under the circumstances described below, this Court for a 30-day extension of the January 23, 2023 deadline associated with SCDC’s petition for writ of certiorari. Specifically, SCDC’s undersigned counsel

respectfully moves this Court to extend the deadline from Monday, January 23, 2023 to Wednesday, February 22, 2023.

SCDC's undersigned counsel so moves given numerous deadlines he has faced over the last 30 days in matters pending before the South Carolina Administrative Law Court, the South Carolina Court of Common Pleas, and United States District Court.

SCDC's undersigned counsel also so moves because he tested positive for COVID today, January 23, 2023. SCDC's undersigned counsel had been feeling ill for several days, and a home test revealed he was positive for COVID. SCDC's undersigned counsel just concluded a telehealth visit with his primary care physician.

Accordingly, SCDC's undersigned counsel respectfully asserts that he needs additional time to prepare, file, and serve SCDC's petition for writ of certiorari in the instant matter. SCDC's undersigned counsel further respectfully asserts that the 30-day extension he seeks in the instant motion will not prejudice or otherwise detrimentally impact the rights of the *pro se* Respondent.

Therefore, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion and, by doing so, extend the deadline by which SCDC may file and serve its petition for writ of certiorari until Wednesday, February 22, 2023.

RESPECTFULLY SUBMITTED:

s/Lake E. Summers

Lake E. Summers

S.C. Bar #64146

Malone, Thompson, Summers & Ott LLC

339 Heyward Street, Suite 100

Columbia, South Carolina 29201

(803) 254-3300 – Office

(803) 254-0309 – Fax

summers@mtsolfirm.com

Counsel for the Appellant

January 23, 2023

Self-Represented Respondent:

Reyes Cabrera Pena, #265665

Perry Correctional Institution Q-1-A-207

430 Oaklawn Road

Pelzer, South Carolina 29669