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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from the Administrative Law Court
Shirley C. Robinson, Administrative Law Judge

Opinion No. 2022-UP-276 (S.C. Ct. App. filed 6/29/22)
Appellate Case No. 2022-001517

ISIAH JAMES,

PETITIONER,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE OUT OF TIME

Comes now Respondent, through undersigned counsel, and requests leave to file its Return to Petition for Writ of Certiorari out of time. The reason for filing out of time is that Respondent has no record of receiving official notice that Petitioner's Motion to Proceed In Forma Pauperis had been granted, so undersigned counsel did not have the due date for the Return on her calendar. Respondent's Return to Petition for a Writ of Certiorari is being submitted along with this Motion.

Based upon the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Return outside of the filing deadlines set forth in Rules 208 and 209 of the South Carolina Appellate Court Rules. See Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and


243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”).

Respondent does not believe any prejudice to Petitioner will result if this request is granted.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:


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February 2, 2023