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SC Court of Appeals

With the Name of Allah, Most Merciful, Most Gracious

Nos. 22-1015(L), 22-1021

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

| | |
|---|----------------------------|
| No. 22-1015(L) | No. 22-1021 |
| Regina M. Hunter El | Elijah Hunter |
| Plaintiff-Appellant | <i>Plaintiff-Appellee</i> |
| v. | v. |
| Elijah Hunter, Sumter County Magistrate Court | Regina M. Hunter El |
| <i>Defendant-Appellees</i> | <i>Defendant-Appellant</i> |

On Appeal from the United States District Court
District of South Carolina

Case No. :3:21-cv-02928-MBS

Case No.: 3:21-cv-02929-MBS

**EMERGENCY MOTION FOR TEMPORARY STAY OF MANDATE
TO FILE**

(Motion for Stay of Mandate Pending Filing of a Petition for a Writ of Certiorari)

Rule 41(d)(1), FRAP

Regina M. Hunter El
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EMERGENCY TEMPORARY MOTION FOR STAY OF MANDATE TO FILE

(Motion for Stay of Mandate Pending Filing of a Petition for a Writ of Certiorari)

NOW COMES, the Plaintiff-Appellant, pursuant to Rule 41(d)(1), Federal Rules of Appellate Procedure (FRAP) for to ask for an emergency temporary stay of its mandate for seven (7) days (until Tuesday, 14 March 2023) to prepare and file a *Motion for Stay Pending the Filing of a Petition for a Writ of Certiorari* in the U.S. Supreme Court on the following grounds:

BACKGROUND

1. The Court entered its judgment and unpublished per curiam opinion on **4 January 2023** affirming the decisions of the United States District Court—District of South Carolina (3:21-cv-02929-MBS Notice of Removal and 3-21-cv-02928-MBS Complaint).
2. Hunter El sought an extension of time to file a Petition for Rehearing En Banc on 18 January 2023 due to the death of her father, Samuel Hunter.
3. The court granted her first extension on 18 January 2023 until **21 February 2023**.
4. Hunter El sought a second extension of time to file a Petition for Rehearing En Banc due to the memorial service events for her late father on the 21 February 2023.
5. The court granted her second extension on 21 February 2023 until **28 February 2023**.
6. Then, Hunter El sought an additional three business days to organize the contents of Petition for Rehearing En Banc on the 28 February 2023 until Monday, **6 March 2023**.
7. The Court denied her third motion on **1 March 2023** and the mandate is scheduled to issue in accord with Fed. R. App. P. 41 on **tomorrow, 8 March 2023**.
8. However, on March 6, 2023, Hunter El still filed her Petition for Rehearing En Banc because she did not take cognizance of the Court's order denying the third extension because of her emotional state and financial stress—1) Had the deceased survived he would have turned 81 years of age on 1 March 2023; 2) an insurance settlement check for reimbursement of funeral/memorial expenses deposited with her bank was placed on hold on **22 February 2023** for seven days and did not clear until **2 March 2023**. During the check hold period, Hunter El incurred four insufficient funds fee, \$34.00/fee, which the bank subsequently reversed after it spoke with the claims administrator and verified the funds from the bank upon which the check was drawn. Again, the item was paid and her

bank released its hold on **2 March 2023**. Yet, the seven-day hold check time created havoc during the time she intended to complete the Petition for Rehearing En Banc and meet this Court's 28 February 2023 filing deadline; and 3) Hunter El also had to pay the S.C. Court of Appeals a \$50 motion fee to seek an extension to pay an appeal filing fee in another matter because her motion to proceed without prepayment of costs was denied by the State court. Although Hunter El filed her motion with the SCCOA on the **27 February 2023** the filing was deficient absent the \$50 money order which again she was unable to send to the State Court until the said check above cleared (*exhibits can be provided with redaction of personal identifiers or filed with request to seal*).

9. Hunter El intends to file a Petition for a Writ of Certiorari with the Supreme Court within the ninety days permitted. However, in order for this Court to stay its mandate, Hunter El's petition must show her case presents 1) a substantial question and 2) there is a good cause for a stay (Fed. R. App. P. 41(d)(2)(A), Local Rule 41).
10. THEREFORE, the movant respectfully asks the Court issue a temporary stay until **Tuesday, 14 March 2023** to allow for research of rulings of the 4th Circuit and the Supreme Court case precedents that apply to this matter.

Respectfully,



I Am: Regina M. Hunter El

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A Natural Person, In Full Life, In Propria Persona, Sui Juris

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CERTIFICATE OF SERVICE

I, Regina M. Hunter El, certify that I served a copy of the *Appellant's Emergency Motion for a Temporary Stay for of Mandate to File a Motion for Stay of Mandate Pending Filing of Writ of Certiorari* with U.S. Supreme Court, on Elijah Hunter and Sumter County Magistrate Court by depositing a copy of the same with the United States Postal Service, with first class mail postage, to the parties 7 March 2023, C.E., 14 Sha'ban 1444 A.H.

Respectfully,



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Notice to the Principal is Notice to the Agent, Notice of the Agent is Notice to the Principal

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