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SC Court of Appeals

With the Name of Allah, Most Merciful, Most Gracious

Docket No. _____

IN THE SUPREME COURT OF UNITED STATES

**APPLICATION TO EXTEND THE TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI
AND TO JOIN THE FEDERAL EMERGENCY MANAGEMENT AGENCY
TO APPLICATION**

Pursuant to Sup. Ct. Rule 33(3)
John G. Roberts, Jr., Chief Justice

On Appeal from the U.S. Court of Appeals
Fourth Circuit
Case No. 22-1015 (L), Case No. 22-1021

Regina M. Hunter El
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**APPLICATION TO EXTEND THE TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI**

1. This application is to extend the time to file a Petition for Writ of Certiorari from the final judgment entered on 4 January 2023 by the U.S. Court of Appeals, Fourth Circuit (USCA4) (Case Nos. 22-105(L), 22-1022).
2. This application is made to Chief Justice John G. Roberts, Jr. pursuant to Sup. Ct. Rule 33(2) in compliance with Rule 21, Rule 22, Rule 30.
3. The additional time sought is 60 days Rule 13(5), Monday, June 5, 2023 or whatever time the Justice deems appropriate as not to delay or prejudice other parties.

PROCEDURAL HISTORY

4. The mandate was set to issue on 8 March 2023 but has yet to occur. A Petition for Writ of Certiorari must be filed within 90 days from the date of entry from a final judgment 10 days prior to filing date specified under, Rule 13(1).
 - a. Again, the final judgment was entered by the USCA on 4 January 2023.
 - b. Thus, 90 days from the entry from entry of the USCA4 judgment, excluding the day of the event is, 5 April 2023, Rule 30(1).
 - c. 10 days prior to the specified filing date of 5 April 2023 was Sunday, 26 March 2023. However, since this date falls on Sunday, the period extends to the next day that is not a Saturday, Sunday, federal holiday or day that the Court building is closed, Rule 30(1).
 - d. Thus, this application was due 27 March 2023 and is filed less than 10 days of the final filing date and can only in extraordinary circumstances, Rule 30(2).
5. If a timely petition for rehearing is filed or if the court entertains an untimely petition for rehearing the time to file a Petition for Writ of Certiorari “*runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment*”, Rule 13 (3)

- a. Here, the applicant received two extensions from the USCA4 to file her Petition for Rehearing En Banc.
- b. The first extension was granted on 18 January 2023 until 21 February 2023.
- c. The second extension was granted on 21 February 2023 until 28 February 2023.
- d. Hunter El sought a third extension on 28 February 2023 for only three days in accord with Rule 26(b), Rule 40(a)(1) and Rule 41(d)(1), Federal Rules of Appellate Procedure because she had an appointment with the U.S. Social Security Administration regarding the decedent on the same day her Petition for Rehearing was due and needed additional time to organize and format the document.
- e. Hunter El's third motion for an extension of time sought only a three-day extension to file her Petition for Rehearing En Banc until Monday, 6 March 2023. Yet, her request was probably denied because the Clerk of Court subjectively felt it would constitute an abuse of procedure. Yet, Hunter El acted in good faith due to the numerous responsibilities upon her after the death of her father.
- f. Hunter El still filed her Petition for Rehearing on 6th March and an order was entered 7 March 2023 denying her Petition for Rehearing as untimely. Therefore, since the petition was deemed untimely filed and not heard this application to extend the time to file her Petition for Writ of Certiorari to the Chief Justice is her only means left to seek relief in the federal court system.

BACKGROUND

6. Hunter El seeks this additional time due to the death of her father, Samuel Hunter on 9 January 2023, C.E., 16 Jumada Al-Akhirah 1444 A.H. Hunter El was the decedent's caregiver for seven years, October 2015-January 2023. The decedent had an Islamic *Janazah* and burial within three days of his death. Thereafter, Hunter El observed a 40-day mourning period and held a memorial event on 18 February 2023, C.E., 27 Rajab 1444 A.H. for out-of-town family members to attend. *As stated supra*, Hunter El had to prepare for and keep an appointment with the U.S. Social Security Administration on 28

February 2023 on behalf of the decedent, the same day her Petition for Rehearing En Banc was due. Thus, Hunter El only sought a three-day extension to to better organize and format her petition. At present, this extension is necessary to permit the handling of the decedent's estate and to claim any remaining personal property of the decedent remaining on the Hunter Estate.

7. On 15 October 2021, Hunter El and her father were ejected from the Hunter estate, owed by the Heirs of Sarah B. Hunter (applicant's late great grandmother), the decedent's late grandmother. Only Hunter El was named on the Notice to Quit Premises filed by Elijah Hunter, the decedent's first cousin. A significant portion of the decedent's personal paper and belongings were lost due to the time constraint placed upon Hunter El and her elderly father to vacate or be forcibly removed for alleged criminal trespassing. Amongst those papers, were receipts for United States Postal Service money orders purchased by Samuel Hunter to reimburse Elijah Hunter for property taxes over many years.
8. Those receipt stubs and negotiation of said U.S.P.S. money order are evidence against Elijah Hunter's complaint for quiet title to the heir property although dismissed **without prejudice** (Sumter County Court of Common Pleas, Elijah Hunter v. Sara, Louise Hunter, Case No. 2021CP43011923) filed n 19 November 2021. Absent a written order on Determination of Heirs for the Estate of James Hunter, from the Sumter County Probate Court, evidence of possession of real property, tax payments and improvements are a defense to address the ejection and would serve as proof of ownership with FEMA (as discussed below). At the time of ejection, both the applicant and her deceased father were in **possession** of the late James Hunter's dilapidated home, had **proof of tax**

payments to Sumter County Treasurer and/or reimbursements to Elijah Hunter and improvements to the land (resident well) and structure.

- a. The Estate of James Hunter included real property and 1/9 interest in the Hunter Estate owned by the Heirs of Sarah B. Hunter.
- b. The real property was a dilapidated house originally damaged during Hurricane Hugo in 1989, a year after the death of James Hunter on 10 July 1988. Then, a claim was not filed with FEMA and the structure was left unrepaired.
- c. Hunter El took possession of the property in November 2010 and obtained permits from the local county government for its repair.
- d. The structure's condition was exacerbated the same year her father relocated to South Carolina for five consecutive years by:
 - i. The historic flood of October 2015 (Hunter El's FEMA Application No. 500382035 for Disaster No. 4241¹) which was followed by:
 - ii. Hurricane Matthew—declared a Federal disaster on October 11, 2016²;
 - iii. Hurricane Irma—declared a Federal disaster on October 16, 2017³;
 - iv. Hurricane Florence—declared a Federal disaster on September 16, 2018⁴;
and
 - v. Hurricane Dorian—declared a Federal disaster on September 30, 2019.⁵
- e. Further, on October 12, 2016 FEMA wrote Hunter El requesting additional documentation regarding FEMA Application No. 500382035 for Disaster No.

¹ South Carolina Severe Storms and Flooding (DR-4241-SC), Incident Period: October 1, 2015 - October 23, 2015, Declaration Date: October 5, 2015. Retrieved on 18 October 2020 from <https://www.fema.gov/disaster/4241>

² South Carolina Hurricane Matthew (DR-4286-SC), Incident Period: October 4, 2016 - October 30, 2016 Declaration Date: October 11, 2016. Retrieved on 19 October 2020 from <https://www.fema.gov/disaster/4286>

³ South Carolina Hurricane Irma (DR-4346-SC), Incident Period: September 6, 2017 - September 13, 2017 Declaration Date: October 16, 2017. Retrieved on 19 October 2020 from <https://www.fema.gov/disaster/4346>

⁴ South Carolina Hurricane Florence (DR-4394-SC), Incident Period: September 8, 2018 - October 8, 2018 Declaration Date: September 16, 2018. Retrieved on 19 October 2020 from <https://www.fema.gov/disaster/4394>

⁵ South Carolina Hurricane Dorian (DR-4464-SC), Incident Period: August 31, 2019 - September 6, 2019 Declaration Date: September 30, 2019. Retrieved on 19 October 2020 from <https://www.fema.gov/disaster/4464>

4241¹. Pursuant to Sec. 423(a) of Public Law 100-707 (*The Stafford Act*⁶), as amended, the letter stated that her appeal letter must be postmarked within 60 days of the date of the notification letter. Hunter El's right to appeal is held under 42 U.S.C. §5189a and the Administrator was obligated to issue a decision within 90 days of my notice of appeal pursuant to Sec. 423(b). On November 28, 2016, Hunter El uploaded a 41-page document to the Disaster Assistance website that included maintenance receipts as proof of ownership. However, no response from any Federal official designated to acknowledge and render a decision on her appeal is forthcoming now for almost SEVEN years now.

- f. This is significant because Hunter El was informed by Sumter County Sheriff's Office, Corporal Beavor on 15 October 2021 that Elijah Hunter obtained a demolition permit for the house in their possession while the FEMA appeal was unresolved. Thus, this application is also to join the FEMA Chief Counsel, Adrian Sevier and all discoveries related to her application to this application for an extension of time. Hunter El wrote Mr. Sevier and the Office of the Clerk for the Civilian Board of Contract Appeals on 19 October 2020, but no response was forthcoming from Sevier. In the event, the appeal claim was settled favorably, the additional monies or loan necessary to repair rain and wind damaged would have avoided the structure's further deterioration and later demolition permit sought by Elijah Hunter, unbeknown to Hunter El at the time of the ejection.

⁶ "*The Disaster Relief and Emergency Assistance Amendments of 1988*" also known as "*The Robert T. Stafford Disaster Relief and Emergency Assistance Act*" as amended, as part of the Federal Aviation Administration Reauthorization Act of 2018, (October 5, 2018).

9. In addition, the application should be granted because of the lingering impact on the emotional/psychological, physical, and financial well being of Hunter El without remedy.
10. Therefore, Hunter El respectfully asks the Court to extend the time for her to file her Petition for Writ of Certiorari for 60 days or until Monday, 5 June 2023.

Respectfully submitted,

A handwritten signature in cursive script that reads "Regina M. Hunter El". The signature is written in black ink and is positioned above the typed name.

I Am: Regina M. Hunter El

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

5 April 2023 C.E., 14 Ramadan 1444 A.H.

CERTIFICATE OF SERVICE

I, Regina M. Hunter El, certify that, pursuant to Rule 29(b), I served a copy of this *Application to Extend the Time to File a Petition for Writ of Certiorari and to the Join FEMA to Application* on Elijah Hunter, the Sumter County Magistrate Court and Adrian Sevier, by depositing a copy of the same with the United States Postal Service, with first class mail postage, to the parties in the attached service list.

Executed this 5th day of April 2023 C.E., 14 Ramadan 1444 A.H.

Respectfully,



I Am: Regina M. Hunter El
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