

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
AUG 10 2026
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Samuel L. Johnson, Administrative Law Court Judge

Administrative Law Court Docket No. 24-ALJ-04-0161-AP

Appellate Case No. 2025-002575

Roger Curtis, #143635,

Respondent,

V.

South Carolina Department of Corrections,

Appellant.

**RESPONDENT'S OBJECTION TO APPELLANT'S THIRD
MOTION FOR EXTENSION OF TIME TO FILE BRIEF
AND REQUEST FOR REMAND**

COMES NOW Respondent, Roger Curtis ("Respondent"), pro se, and respectfully submits this Objection to Appellant South Carolina Department of Corrections' ("SCDC" or "Appellant") Third Motion for Extension of Time to File its Appellant's Brief, and respectfully requests that this Court deny the Motion and remand this matter to SCDC for compliance with the Administrative Law Court's prior Order, dated November 25, 2025. In support thereof, Respondent states as follows:

1) On June 18, 2026, SCDC filed its First Motion to Extend Time to File its Appellant's Brief. On that same date, this Court granted the Motion and extended the filing deadline to July 20, 2026.

2) Following the Court's June 18 Order, Respondent submitted correspondence, dated July 6, 2026, objecting to the Court's ruling on the basis that Rule 240(e), SCACR, contemplates a ten-day period within which an opposing party may respond to a motion before the Court acts. Respondent further advised the Court that he opposed any future requests by SCDC for additional extensions of time.

3) Despite receiving a thirty-day extension, SCDC failed to file its

Appellant's Brief by the new deadline. Instead, on July 20, 2026, the very day its brief was due, SCDC filed a Second Motion for Extension of Time, asserting that counsel's other litigation obligations and briefing deadlines prevented timely compliance.

4) On July 28, 2026, Respondent submitted an objection to SCDC's Second Motion. Respondent asserted that the reasons represented by SCDC reflected scheduling conflicts and workload management issues that fall within counsel's professional responsibility to anticipate and manage consistent with the duties of competence and diligence required by the South Carolina Rules of Professional Conduct.

5) Before this Court ruled upon either SCDC's Second Motion or Respondent's objection thereto, SCDC filed a Third Motion for Extension of Time to File its Brief, on July 30, 2026. Once again, SCDC relied upon substantially the same explanation, that counsel's workload, unrelated briefing deadlines, and court appearances prevented the timely filing of its brief.

6) SCDC has now repeatedly sought extensions based upon circumstances that were foreseeable and within counsel's ability to manage. The explanations offered in each successive motion demonstrated no newly arising emergency or extraordinary circumstance warranting additional delay.

7) While the Court possesses discretion to grant extensions for good cause, repeated requests based upon recurring scheduling conflicts undermine the orderly administration of justice, unnecessarily prolong appellate proceedings, and prejudice Respondent's substantial rights by delaying final resolution of this matter.

8) This appeal concerns an ALC Order, directing SCDC to calculate Respondent's prevailing wage gross back pay for the period of September 1, 2006 through May 21, 2024. Rather than advancing this appeal toward resolution, SCDC has repeatedly delayed the proceedings through successive extension requests while failing to file the very brief necessary to prosecute its appeal.

9) SCDC, as Appellant, bears the burden of diligently pursuing its appeal. Having invoked this Court's appellate jurisdiction, it should not be permitted to indefinitely delay adjudication through repeated requests based upon counsel's workload.

10) Under these circumstances, Respondent respectfully submits that the

interests of justice weigh against granting any further extensions.

11) Additionally, Respondent respectfully requests that this Court remand this matter to SCDC for the limited purpose of complying with the ALC's prior Order directing SCDC to calculate Respondent's prevailing wage gross back pay for the period from September 2006 through May 2024.

12) SCDC has had ample opportunity to prosecute its appeal but has repeatedly failed to move the case forward. Instead, it has sought successive extensions based upon scheduling while delaying implementation of the ALC's directives.

13) Continued delay frustrates the administration of justice and substantially prejudices Respondent by postponing the calculation of wages previously ordered by the ALC (ALC Docket No. 24-ALJ-04-0161-AP). A limited remand directing SCDC to perform the required prevailing wage calculations would further judicial economy and ensure compliance with the ALC's Order while preserving any remaining appellate issues.

CONCLUSION

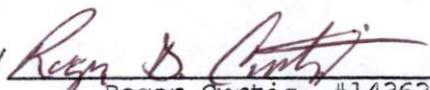
WHEREFORE, Respondent respectfully requests that this Court:

1. Deny SCDC's Third Motion for Extension of Time to File Appellant's Brief;

2. Remand this matter to SCDC for the purpose of calculating Respondent's prevailing wage gross back pay for the period of September 2006 through May 2024, consistent with the ALC's prior Order, dated November 25, 2025; and

3. Grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ 
Roger Curtis, #143635
Tyger River Correctional
Institution Unit 8-B-223B
200 Prison Road
Enoree, S.C. 29335

Respondent, Pro Se

August 4th, 2026

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
AUG 10 2026
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Samuel L. Johnson, Administrative Law Court Judge

Administrative Law Court Docket No. 24-ALJ-04-0161-AP

Appellate Case No. 2025-002575

Roger Curtis, #143635,

Respondent,

V.

South Carolina Department of Corrections,

Appellant.

PROOF OF SERVICE

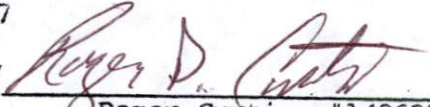
I certify that I have served a copy of the foregoing Respondent's Objection to Appellant's Third Motion For Extension of Time to File Brief and Request For Remand, upon the Appellant by depositing a copy of it in the United States Mail, postage prepaid on today's date, to the Appellant's Counsel of Record and the addressed as follows:

Mr. Andrew F. Lindemann, Esquire
P.O. Box 6923
Columbia, S.C. 29260

Mr. Barton Jon Vincent, Esquire
General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia, S.C. 29221-1787

August 4th, 2026

/s/


Roger Curtis, #143635
Tyger River Correctional
Institution Unit 8-B-223
200 Prison Road
Enoree, S.C. 29335

Respondent, Pro Se

Roger Curtis, #143635
Tyger River Correctional
Institution Unit 8-B-223
200 Prison Road
Enoree, S.C. 29335

August 4, 2026

RECEIVED
AUG 10 2026
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RE: Roger Curtis, #143635, v. S.C. Dept. of Corrs.
ALC Docket No. 24-ALJ-04-0161-AP
Appellate Case No. 2025-002575

Dear Ms. Kitchings:

Please find enclosed for filing Respondent's Objection to Appellant's Third Motion For Extension of Time to File Brief and Request For Remand, along with **Proof of Service** in the above-referenced case.

Thank you for your assistance and cooperation in this matter.

Respectfully Submitted,

/s/ Roger D. Curtis
Roger Curtis, #143635

Respondent, Pro, Se

cc: Andrew F. Lindemann, Esquire
Barton Jon Vincent, Esquire
Counsel for Appellant, SCDC

Roger D. Curtis #143635
Tyger River Corr. Insti
200 Prison Rd (08-223.B)
Evoree, SC. 29335



The Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
AUG 04 2026
TYGER RIVER MAILROOM

RECEIVED
AUG 10 2026
SC Court of Appeals