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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

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

Appellate Case No. 2018-001324

Reyes Cabrera Pena, #265665 Respondent,

v.

South Carolina Department of Corrections Appellant.

**APPELLANT’S MOTION FOR A 45-DAY EXTENSION OF THE
DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF
AND DESIGNATION OF MATTER**

For the reasons stated below, the Appellant, the South Carolina Department of Corrections [“SCDC”], by and through its undersigned counsel, respectfully moves the Court for a 45-day extension of the deadline by which it may file its initial brief and designation of matter to be included in the record on appeal in the instant case.

SCDC’s undersigned counsel filed a Notice of Appeal on SCDC’s behalf with the Court on July 18, 2018. By letter dated July 24, 2018, the Clerk of Court acknowledged receipt of the instant appeal. Accordingly, SCDC’s initial brief and designation of matter is due no later than Friday, August 17, 2018.

However, SCDC’s undersigned counsel now respectfully moves, given obligations he has confronted and continues to confront in other matters pending in circuit court and in federal court, for an extension of the deadline by which SCDC must file its initial brief and designation

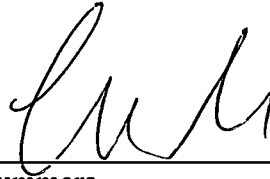


of matter to be included in the record on appeal in the instant case from Friday, August 17, 2018 to Tuesday, October 2, 2018.

SCDC's undersigned counsel also moves for a 45-day extension of the deadline by which SCDC must file its initial brief and designation of matter given that he is concurrently moving for 30-day extensions of the identical deadlines in the two (2) other matters which are also currently pending before this Court: (1) *James Nathaniel Allen, #171214, v. S.C. Dep't of Corr.*, Appellate Case No. 2018-001321 and (2) *Elliott Hatton, #158373, v. S.C. Dep't of Corr.*, Appellate Case No. 2018-001322. The operative issues in *Allen* and *Hatton* are identical or nearly identical to the operative issues in the instant matter.

Thus, for the foregoing reasons, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, SCDC's undersigned counsel respectfully urges this Court to extend the deadline by which SCDC must file its initial brief and designation of matter until Tuesday, October 2, 2018.

RESPECTFULLY SUBMITTED:



August 16, 2018

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Pro se Respondent:

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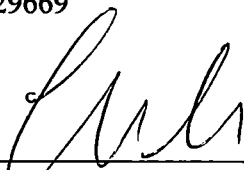
South Carolina Department of Corrections Appellant.

PROOF OF SERVICE

I certify that I have served the **APPELLANT'S MOTION FOR A 45-DAY EXTENSION OF THE DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER** on the above named *pro se* Respondent by mailing a copy to him, first class postage pre-paid, at the following address:

Reyes Cabrera Pena, #265665
Perry Correctional Institution Q-1-A-207
430 Oaklawn Road
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August 16, 2018



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