

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

RECEIVED
JAN 10 2019
SC Court of Appeals

Reyes Cabrera Pena, #265665 Respondent

v.

South Carolina Department of Corrections Appellant.

**APPELLANT’S MOTION FOR AN EXTENSION OF THE
DEADLINE BY WHICH IT MAY FILE ITS REPLY BRIEF**

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 an extension of the deadline by which it may file its reply brief in the instant matter.

SCDC’s undersigned counsel received the Respondent’s initial brief via United States Mail on January 2, 2019. The allied roof of service reflects that the Respondent served his initial brief on December 26, 2018. For clarity’s sake, SCDC’s undersigned counsel did not receive a designation of matter to be included in the record on appeal from the Respondent on or after January 2, 2019.

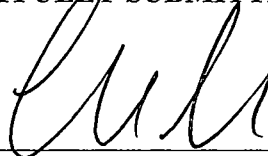
Given the above-stated chronology, SCDC’s reply brief was due Monday, January 7, 2019. However, on January 3, 2019, SCDC’s undersigned counsel received a letter dated January 2, 2019 from the Clerk of Court directing him to file and serve SCDC’s final brief and record on appeal within 20 days of the letter’s date (i.e. Tuesday, January 22, 2019). For

clarity's sake, SCDC's undersigned counsel attaches a copy of the Clerk's letter dated January 2, 2019 to his instant motion.

As SCDC's undersigned counsel has received the Respondent's initial brief and no additional correspondence from the Clerk's office, SCDC's undersigned counsel now respectfully moves, out of an abundance of caution and in light of obligations he confronts in other matters pending in federal court, circuit court, and this Court, for an extension of the deadline by which to file and serve SCDC's reply brief in the instant matter until **no later than Tuesday, January 22, 2019.**

Accordingly, for the foregoing reasons, the Appellant's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, he respectfully urges this Court to extend the deadline by which the Appellant must file its reply brief until **no later than Tuesday, January 22, 2019.**

RESPECTFULLY SUBMITTED:



January 10, 2019

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Columbia, South Carolina 29201
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Counsel for the Appellant

Pro se Respondent:

Reyes Cabrera Pena, #265665
Perry Correctional Institution Q-1-A-207
430 Oaklawn Road
Pelzer, South Carolina 29669



The South Carolina Court of Appeals

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January 02, 2019

Mr. Lake Eric Summers, Esquire
339 Heyward St.
Ste. 200
Columbia SC 29201

Re: Reyes Cabrera Pena #265665 v. SCDC
Appellate Case No. 2018-001324

Dear Counsel:

Please be advised our records indicate that the respondent has not served and filed an initial brief and designation of matter. Therefore, you should proceed to serve and file your final brief and the record on appeal, as provided in Rules 210(b) and 211(a) of the South Carolina Appellate Court Rules, within twenty (20) days of the date of this letter.

Very truly yours,


CLERK

cc: Reyes Cabrera Pena, 265665

LAW OFFICES

JAN 03 2018

MALONE, THOMPSON
SUMMERS & OTT, LLC

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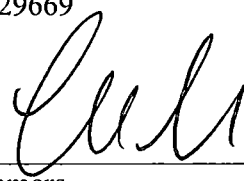
v.

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PROOF OF SERVICE

I certify that I have served the **APPELLANT'S MOTION FOR AN EXTENSION OF THE DEADLINE BY WHICH IT MAY FILE ITS REPLY BRIEF** 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
Pelzer, South Carolina 29669



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Counsel for the Appellant