

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Sammie Lee McCoy, #39452,)	C/A No.: 8:08-cv-03219-GRA
)	
Petitioner,)	
)	ORDER
v.)	(Written Opinion)
)	
Ralph Misle, York Jail Administrator,)	
)	
Respondent.)	
)	

This matter comes before the Court on the plaintiff's motion for an extension of time to file objections to the magistrate's Report and Recommendation. Magistrate Judge Hendricks filed a Report and Recommendation on September 29, 2008. The plaintiff prays for an extension of time so he can research, write, and file objections to the magistrate's Report and Recommendation.

Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). Therefore, this Court will liberally construe any pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

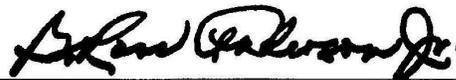
Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, this Court may grant the petitioner an extension of time to file a responsive motion for good cause

shown. He argues that an extension is necessary because he cannot afford to pay for the copying costs for the cases he needs to research to be able to adequately respond. When Petitioner received the Report and Recommendation, he immediately filed this motion for extension. This Court finds that the petitioner has shown good cause for an extension. Therefore, this Court will grant his motion for an extension of time.

The petitioner requested an additional thirty (30) days to respond. This Court will give the petitioner until November 17, 2008 to file his objections. In order to file his objections, the defendant need only hand them to the mailing facility at his prison. *See Houston v. Lack*, 487 U.S. 266 (1988). If the petitioner files his objections beyond November 17, 2008, this Court will consider them untimely.

IT IS THEREFORE ORDERED THAT the petitioner's motion be GRANTED and that his period to file objections to the magistrate's Report and Recommendation shall be extended until November 17, 2008.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

October 17, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Petitioner has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**