

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Samuel Lamont Whitner,

Petitioner,

v.

Warden Larry Cartledge,

Respondent.

C/A. No. 8:16-1392-CMC-JDA

Order

This matter is before the court on Petitioner's *pro se* application for writ of habeas corpus, filed in this court pursuant to 28 U.S.C. § 2254. ECF No. 1. Respondent filed a motion for summary judgment, as well as a return and memorandum of law on August 15, 2016. ECF Nos. 15, 16. A *Roseboro* Order was mailed to Petitioner on August 16, 2016, advising Petitioner of the importance of a dispositive motion and the need for Petitioner to file an adequate response. ECF No. 17. After two extensions of time to respond, Petitioner filed a response in opposition on December 1, 2016. ECF No. 26. Respondent filed a reply on December 7, 2016. ECF No. 28.

On January 30, 2017, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Respondent's motion for summary judgment be granted. ECF No. 29. Petitioner received multiple extensions of time to file objections to the Report, but did not do so before the deadline expired. On March 21, 2017, this court entered an Order adopting the Report and granting Respondent's motion for summary judgment. ECF No. 39.

On April 7, 2017, Petitioner, now represented by counsel, filed a motion for leave to file objections to the Report. ECF No. 42. Petitioner argues he miscalculated the deadline by which

to file his objections, and requests an opportunity to do so. Petitioner's counsel consulted with Assistant Attorney General Melody Brown, who stated she could not consent to the motion.

ECF No. 43.

In order to allow Petitioner time to file objections to the Report, the court hereby vacates the Order entered at ECF No. 39. Objections must be filed within fourteen (14) days of the entry of this Order. Further extensions of time in which to file objections will not be granted absent extraordinary circumstances.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 25, 2017

