

JP  
4186

**Motion to Immediately File Brief Out of Time**

December 21, 2019

U.S. COURT  
CLERK'S OFFICE

2019 DEC 27 P 1:50

**IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA**

Julian Owens,

Plaintiff-Appellee,

vs.

[Case Number: TBD]

Murray Mitchell, Lillian Smith &  
Katrina Walsemann (in a case previously naming  
the University of South Carolina and other dismissed  
Defendants)

Defendants-Appellants

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**MOTION TO IMMEDIATELY FILE BRIEF OUT OF TIME**  
[missed deadline by one day]

1. *Background.* The appellee's brief was due on December 9, 2019, and that day has passed. The appellee is proceeding pro se and has asked for and received one prior extension of time to file the brief.
2. *Authority.* 28 U.S. Code § 2101 [I think]
3. *Reasons.* [The appellee was unaware that the 90 days started on the day of the notice vs. the following day. Therefore, the Appellee missed the deadline by one day [i.e., December 9, 2019 (due date) vs December 10, 2019 (date package was delivered). Additionally, the printer (FedEx/Kinkos) did not complete the job of copying appellee's brief as requested. Appellee received all of the copies needed for filing after 5pm on December 9, 2019.
4. On December 16, 2019, Appellee received a box with all of the materials delivered to the Court with a letter from the Clerk, Scott Harris, signed by Redmond Barnes. The box from the United States Postal Service was delivered on December 18, 2019. Appellee contacted the Clerk's Office on December 19, 2019 and explained the situation to Michael Duggan, who stated that Appellee should either provide evidence from the printer and file this motion.

Because of this, appellee asks for permission to file the brief immediately.

Pro Se Appellee's Signature

  
Julian D. Owens

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RECEIVED

DEC 27 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

FILED: September 10, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 19-1183  
(3:18-cv-00547-MGL)

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JULIAN D. OWENS

Plaintiff - Appellant

v.

UNIVERSITY OF SOUTH CAROLINA; HARRIS PASTIDES; MICHAEL  
AMIRIDIS; LACY FORD; MURRAY MITCHELL; LILLIAN SMITH; KEN  
WATSON; ED FROGILLO; HEATHER BRANDT; KATRIN WASLSEMANN;  
JIM THRASHER; RUTH SAUNDERS; G. TOM CHANDLER; UNITED  
STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS;  
SAMANTHA SHOFAR; DAVID HENSEL; UNITED STATES DEPARTMENT  
OF EDUCATION OFFICE OF POST-SECONDARY EDUCATION; COUNCIL  
OF EDUCATION OF PUBLIC HEALTH; CHERYL ADDY; SOUTH  
CAROLINA INSURANCE RESERVE FUND

Defendants - Appellees

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O R D E R

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The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc. The court also denies the motion to vacate summary judgment, the motion for review of potential abuse of discretion, and the motion to continue trial date.

Entered at the direction of the panel: Judge Niemeyer, Judge Agee, and Judge  
Richardson.

For the Court

/s/ Patricia S. Connor, Clerk

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 19-1183**

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**JULIAN D. OWENS,**

**Plaintiff - Appellant,**

**v.**

**UNIVERSITY OF SOUTH CAROLINA; HARRIS PASTIDES; MICHAEL AMIRIDIS; LACY FORD; MURRAY MITCHELL; LILLIAN SMITH; KEN WATSON; ED FROGILLO; HEATHER BRANDT; KATRIN WASLSEMAN; JIM THRASHER; RUTH SAUNDERS; G. TOM CHANDLER; UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS; SAMANTHA SHOFAR; DAVID HENSEL; UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF POST-SECONDARY EDUCATION; COUNCIL OF EDUCATION OF PUBLIC HEALTH; CHERYL ADDY; SOUTH CAROLINA INSURANCE RESERVE FUND,**

**Defendants - Appellees.**

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Appeal from the United States District Court for the District of South Carolina, at Columbia. Mary G. Lewis, District Judge. (3:18-cv-00547-MGL)

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Submitted: June 20, 2019

Decided: June 24, 2019

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Before NIEMEYER, AGEE, and RICHARDSON, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Julian D. Owens, Appellant Pro Se. Jeffrey Ian Silverberg, HOWSER, NEWMAN & BESLEY, LLC, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Julian D. Owens appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his civil complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Owens v. Univ. of S.C.*, No. 3:18-cv-00547-MGL (D.S.C. Feb. 4, 2019). We deny Appellees' motion to strike Owens' supplement. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*

**Additional material  
from this filing is  
available in the  
Clerk's Office.**