

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

FILED

OCT 20 2004

LARRY W. PROPPS, CLERK
CHARLESTON, SC

JOSE PADILLA)	C/A No. 2:04-2221-26AJ
)	
Petitioner)	AFFIDAVIT OF
)	MICHAEL P. O'CONNELL IN
-VS-)	SUPPORT OF NUNC PRO TUNC
)	MOTION FOR ENLARGEMENT
COMMANDER C.T. HANFT, USN)	OF TIME
Commander, Consolidated Naval)	
Brig)	
)	
Respondent.)	

MICHAEL P. O'CONNELL, makes the following statements under penalty of Perjury:

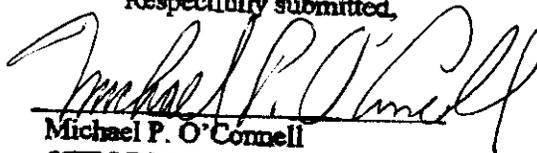
1. I am over eighteen years of age and understand the meaning and obligations of an oath. I am a partner at Stirling & O'Connell and am involved in the firm's work as Local Counsel on behalf of Petitioner Jose Padilla. Pursuant to District of South Carolina Local Civil Rule 6.01, I make this affidavit in support of Jose Padilla's Nunc Pro Tunc Motion for Extension of Time to File Motion for Summary Judgment (together, "Summary Judgment Motion").
2. On October 15, 2004, I was unexpectedly called out of State due to an illness in my family.
3. On October 15, 2004, I contacted opposing counsel and received their consent to file the Summary Judgment Motion on Wednesday, October 20, 2004. In order to avoid changing the scheduling order of September 27, 2004, I stated that co-counsel for petitioner on October 18th would send, via emailed Adobe Acrobat attachments to opposing counsel, as well

as to U.S. District Court Judge Henry F. Floyd and U.S. Magistrate Judge Robert S. Carr, the precise Summary Judgment Motion that would be formally filed on October 20th.

4. I therefore request this brief two day extension in order to allow me as Local Counsel time to sign and file in hard copy form Petitioner's motion and accompanying documents sent via email on October 18th.

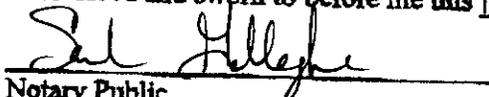
WHEREFORE, I respectfully submit this affidavit in support of Joe Padilla's Nunc Pro Tunc Motion for Enlargement of Time.

Respectfully submitted,



Michael P. O'Connell
STIRLING & O'CONNELL
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(843) 577-9890
South Carolina Identifications 4260

Subscribed and sworn to before me this 19 day of October, 2004.



Notary Public
My Commission Expires: 9-3-2007