

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Jogaak Deng Jogaak v. Tabitha Benting

Jogaak · No. 4:26-CV-04002-KES · Decided March 19, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Jogaak Deng Jogaak’s motion to extend the deadline for filing objections to a Magistrate Judge’s Report and Recommendation. The court finds that the motion may have been delivered to prison authorities by the original deadline and sets April 20, 2026, as the new deadline.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Karen E. Schreier
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	March 19, 2026
DOCKET	4:26-CV-04002-KES
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for an extension of the deadline to file objections to a magistrate judge's Report and Recommendation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jogaak Deng Jogaak v. Tabitha Benting

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

1. Whether the petitioner should receive an extension of the deadline to file objections to the magistrate judge's Report and Recommendation when the court could not determine when the petitioner delivered his motion to prison authorities for mailing.

HOLDINGS

1. The court granted the petitioner's motion for an extension because it was possible that he delivered the motion to prison authorities for mailing on or before the objection deadline.

FACTUAL BACKGROUND

The magistrate judge issued a Report and Recommendation on March 2, 2026. Objections were due on March 16, 2026. Petitioner Jogaak Deng Jogaak, incarcerated at the South Dakota State Penitentiary, submitted a motion for an extension, but the motion was undated and bore an illegible postmark.

PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation on March 2, 2026, making objections due March 16, 2026. Petitioner filed a motion for an extension, but the court could not determine when he mailed it because the letter was undated and the postmark was illegible. The district court granted the motion and extended the objection deadline to April 20, 2026.

DISPOSITION

other

CASES CITED

- Nichols v. Bowersox, 172 F.3d 1068, 1077 (8th Cir. 1999)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION JOGAAK DENG JOGAAK, 4:26-CV-04002-KES Petitioner, vs. ORDER GRANTING MOTION TO EXTEND TABITHA BENTING, Defendant. Petitioner, Jogaak Deng Jogaak, moves for an extension of the deadline to file objections to the Magistrate Judge's Report and Recommendation (Docket13). Docket 17.

The report was issued on March 2, 2026, and objections were due on March 16, 2026. See Docket 13. The court cannot discern the date on which Jogaak mailed his motion from the South Dakota State Penitentiary because the letter is undated and the postmark is illegible. See Docket 17.

The court therefore grants Jogaak's motion because it is possible that he delivered his motion to prison authorities for mailing to the clerk of court on or before March 16, 2026, the date his objections were due. See Nichols v. Bowersox, 172 F.3d 1068, 1077 (8th Cir. 1999). Good cause appearing, it is ORDERED that petitioner's motion (Docket 17) is granted.

Petitioner must file his objections to the report and recommendation on or before April 20, 2026.
Dated March 19, 2026. BY THE COURT: /s/ Karen E. Schreier KAREN E. SCHREIER UNITED
STATES DISTRICT JUDGE

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