

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ORLANDO BETHEL, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 2:04-cv-743-MEF-CSC
	)	
CITY OF MONTGOMERY, <i>et al.</i> ,	)	(WO - DO NOT PUBLISH)
	)	
Defendants.	)	

**ORDER**

On March 2, 2010, the Magistrate Judge entered a Report and Recommendation, recommending that this case be dismissed with prejudice. (Doc. #71). Plaintiffs had until March 16, 2010 to file objections. On March 17, 2010, without objection, this Court adopted the Report and Recommendation and entered a final judgment in this case. (Docs. #72 & 73). A week later, on March 24, 2010, Plaintiffs filed their first response to the Report and Recommendation, in the form of a Motion to Reconsider and Motion for an Extension of Time to File Objection to Magistrates Recommendation. (Doc. #74). As cause for an extension, Plaintiffs stated only that an extensive period of inactivity had preceded the Magistrate Judge’s entering of the Report and Recommendation. Plaintiffs did not state that they received the Report and Recommendation close to or after the deadline for filing objections, nor did they give any cause for neglecting to file their motion for an extension until more than a week after that same deadline had passed.

When an act must be done within a specified time and that time has expired, the Court

may only grant a motion to extend that time for good cause and because of excusable neglect on the part of the moving parties. Fed. R. Civ. P. 6(b). Therefore, it is hereby ORDERED that the motion (Doc. #74) is DENIED.

DONE this the 26<sup>th</sup> day of March, 2010.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE