

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ESTATE OF ARTHUR LEE COLEMAN, JR.,

Plaintiffs,

-vs-

Case No. 2:10-cv-105-FtM-36SPC

MICHAEL SCOTT, Sheriff of Lee County;
TIMOTHY GALLOWAY, individually and as a
deputy; ROBERT KREBS, individually and as law
enforcement officer; TIMOTHY McCORMACK,
individually and as law enforcement officer; LEE
COUNTY SHERIFF'S OFFICE; CITY OF FORT
MYERS; SCOTT LEY, individually and as a U.S.
Marshal; U.S. MARSHAL'S OFFICE, a Federal
Agency; U.S. MARSHAL'S FUGITIVE TASK
FORCE; UNKNOWN LAW ENFORCEMENT
OFFICERS;

Defendants.

ORDER

This matter comes before the Court on the Defendant, City of Fort Myers, Fort Myers Police Department, Robert Kerbs and Timothy McCormack's Unopposed Motion for Extension of Time (Doc. #126) filed on August 22, 2011, and the Defendant, City of Fort Myers, Fort Myers Police Department, Robert Kerbs and Timothy McCormack's Unopposed Motion for Extension of Time (Doc. #128) filed on August 22, 2011. It appears that (Doc. # 126) is the same filing as (Doc. # 128). Therefore, (Doc. # 126) is due to be denied as moot.

The Defendants response was due on August 22, 2011, however, counsel was out of the office from August 12, 2011, through August 22, 2011, and has not had the opportunity to review the Third Amended Complaint, which was not served upon the Defendants until August 11, 2011.

Pursuant to M.D. Fla. Local Rule 3.01(g), Counsel conferred with the Plaintiff who does not oppose the extension of time. As such, the Court finds good cause to grant the extension of time.

Accordingly, it is now

ORDERED:

(1) The Defendant, City of Fort Myers, Fort Myers Police Department, Robert Kerbs and Timothy McCormack's Unopposed Motion for Extension of Time (Doc. #126) is **DENIED as moot.**

(2) The Defendant, City of Fort Myers, Fort Myers Police Department, Robert Kerbs and Timothy McCormack's Unopposed Motion for Extension of Time (Doc. #128) is **GRANTED.**

(3) The Defendants have up to and including **September 9, 2011**, to file a Response to the Third Amended Complaint.

DONE AND ORDERED at Fort Myers, Florida, this 28th day of August, 2011.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record