

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

FRANK SCAROLA,

Plaintiff,

-vs-

Case No. 2:10-cv-677-FtM-29SPC

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE HOLDERS
OF GSAA HOME EQUITY TRUST 2004-10
ASSET-BACKED CERTIFICATES SERIES 2004-
10, COUNTRYWIDE MORTGAGE
CORPORATION, BANK OF AMERICA, all
associated trust funds relating to the three banks and
their executive officers, all employees or 1099's
who had any hand in assigning transferring or
otherwise disposing of original mortgage and note,

Defendants.

_____ /

ORDER

This matter comes before the Court on Plaintiff's Motion for Extension for Filing (Doc. #62) filed on April 17, 2012. Plaintiff *pro se* Frank Scarola, brought this action against Defendant, Deutsche Bank, alleging fraud. Plaintiff has subsequently amended his complaint two times to correct pleading defects. Defendant, in response to Plaintiff's Second Amended Complaint, filed a Motion to Dismiss Plaintiff's Second Amended Complaint on March 1, 2012. (Doc. # 60). Plaintiff failed to file a response to the Motion to Dismiss and the District Court then gave Plaintiff until April 20, 2012 to file his response. (Doc. #61). Plaintiff now requests a 60-day extension of time to file a response to Defendant's Motion to Dismiss. As grounds, Plaintiff notes that he did not

receive the order from the District Court directing a response until April 10, 2012. Plaintiff also alleges that he never received a copy of Defendant's Motion to Dismiss.

Under Federal Rule 6(b) the Court may enlarge the time to file a responsive pleading for cause shown. The Rule reads in pertinent part:

[w]hen by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at anytime in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

Fed. R. Civ. P 6(b). As it is within the Court's discretion to allow an extension of time, the Court finds good cause to grant in part Plaintiff's Motion. The Court will allow Plaintiff an additional 30 days to file a response.

Accordingly, it is now

ORDERED:

- (1) Plaintiff's Motion for Extension for Filing (Doc. #62) is **GRANTED** in part. Plaintiff shall have up to and including **May 21, 2012** to file a response to Deutsche Bank National Trust Company, as Trustee's Motion to Dismiss Second Amended Complaint (Doc. #60).

- (2) The Clerk of Court is directed to mail a copy of Deutsche Bank National Trust Company, as Trustee's Motion to Dismiss Second Amended Complaint (Doc. #60) to Plaintiff.

DONE AND ORDERED at Fort Myers, Florida, this 20th day of April, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record