

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**ROBERT D. BREWER, et al,**

Plaintiffs,

v.

**Case No. 6:12-cv-1633-Orl-37GJK**

**BANK OF AMERICA, N.A., et al,**

Defendants.

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**ORDER**

This matter is before the Court on a status review. A brief history of the case shows the following:

1. Complaint filed October 31, 2012.
2. Case dismissed December 12, 2012 (Doc 16) - facts alleged in the complaint insufficient to determine subject matter jurisdiction.
3. Amended Complaint filed January 14, 2013 (Doc 17)
4. Order to Show Cause (Doc 23) February 20, 2013 - failure to file CMR; response filed four days after the deadline
5. Case dismissed March 13, 2013 (Doc 30). Amended Complaint due March 29, 2013.
6. Motion to Extend Deadline (Doc 32) filed March 28, 2013, the day prior to the due date for filing the Amended Complaint. This document was not signed. Order denying motion (Doc 33) was entered April 12, 2013. The Court also notes that counsel failed to comply with local rule 3.01(g). An "attempt to confer" is not adequate. See, CMSO II (A) (Doc 29). Nor has counsel notified the Court of any further effort to follow up with defense

counsel as suggested in the insufficient 3.01(g) certification affixed to his unsigned motion.

Plaintiff in his unsigned motion states that the extension is necessary partially because of out of town travel, intervening holidays and partially due to the press of other professional commitments. Counsel is reminded that Federal Rule of Civil Procedure 16, states that deadlines set by the Court may be modified only for good cause, and only when they “cannot ‘be met despite the diligence of the party seeking the extension.’ ” *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998). The Court finds that Plaintiff has failed to show good cause and the conduct of this case indicates a lack of diligence on the part of counsel. Upon notification that the motion (Doc 32) was not signed and denied (Doc 33), counsel has done nothing. There has been no amended motion nor has the required amended complaint been filed. Accordingly, it is

**ORDERED** that this action is hereby **DISMISSED WITHOUT PREJUDICE** for failure to comply with orders of the Court, the local rules and lack of diligent prosecution. The Clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** at Orlando, Florida, this 17th day of April, 2013.



ROY B. DALTON, JR.  
United States District Judge

Copies to: Counsel of Record