

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

09 JUL 29 PM 4:47
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

DENNIS HUNT,
Plaintiff,

vs.

Case No. 8:07-cv-1168-T-30TBM

LAW LIBRARY BOARD,
a Board created by
Hillsborough County, Florida;

**JURY TRIAL DEMANDED
INJUNCTIVE RELIEF REQUESTED**

NORMA J. WISE,
In her official capacity as Director
of the James J. Lunsford Law Library,
and individually; and,

DAVID L. PILVER,
individually,
Defendants.

**MOTION FOR ENLARGEMENT OF TIME TO RESPOND
TO DEFENDANT DAVID L. PILVER'S MOTION FOR STAY
(WITHOUT BOND) OF PRETRIAL AND TRIAL PENDING
OUTCOME OF APPEAL (Dkt. 63)**

COMES NOW Dennis Hunt, the Plaintiff in this cause of action, appearing PRO-SE and pursuant F.R.C.P. 6(b) files this Motion For Enlargement of Time To Respond To Defendant David L. Pilver's Motion For Stay (Without Bond) of Pretrial and Trial Pending Outcome Of Appeal (Dkt. 63), and in support therefore states as follows:

1. Plaintiff has not yet consulted with defense counsel on this motion due to time constraints, but Defense Counsel has been emailed a copy of this motion for perusal.
2. Plaintiff opposes Defendant Pilver's Motion for Stay (Without Bond) of Pretrial and Trial Pending Outcome of Appeal (Dkt. 63).

3. Defendant Pilver's given reason for his Motion for Stay (Dkt. 63) is that he has elected to present an interlocutory appeal of this Court's Order (Dkt. 62) denying Defendant Pilver's Motion for Summary Judgment (Dkt. 28).

4. Defense Counsel's filing of Defendant Pilver's Motion for Stay (Without Bond) of Pretrial and Trial Pending Outcome of Appeal (Dkt. 63), was filed prematurely on the 24th day of July 2009, as Defense Counsel had not yet filed any Notice of Appeal.

5. It appears that Defense Counsel has since filed a Notice of Appeal on this 29th day of July 2009 and therefore it stands that the recognized date of filing for Pilver's Motion For Stay (Dkt. 63) is the 29th day of July, 2009, as it was earlier premature.

6. Plaintiff researched relevant case law and believes that both this Court and the Appeals Court will find Pilver's Appeal is frivolous at onset, if this Court will allow some time, or permit an enlargement of the time for the Plaintiff to respond with his findings in case law.

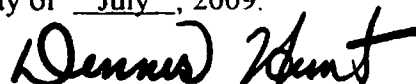
7. Defense Counsel's assertion that "in *Blinco v. Green Tree Servicing*, 366 F.3d 1249, 1253 (11th Cir. 2004) the Eleventh Circuit held that if a litigant files a motion to stay pending an appeal, the district should stay the litigation so long as the appeal is non-frivolous" is deceptive and misstates the holding in *Blinco*, as the Court's holding in *Blinco* pertained to a motion to stay litigation in the district court pending an appeal from the denial of a motion to compel arbitration, not the type of appeal Pilver states he has elected.

8. Defense Counsel has a history of making inaccurate assertions and applications of case law in this case, (Heck v Humphrey and/or the Rooker-Feldman Doctrine, ...) burdening the Plaintiff to respond to frivolous defense asserted arguments that are essentially without merit.

9. Pursuant to United States Social Security Administration disability determination, the Plaintiff is a qualified individual with disability, and therewith often requires more time to complete tasks, than what may be expected of unlike others.

Wherefore the above, the Plaintiff prays this Honorable Court will grant Plaintiff some time, or an enlargement (3 to 5 days) of the time for Plaintiff to respond to Defendant Pilver's Motion for Stay, or alternatively, simply deny Pilver's Motion for Stay.


Respectfully submitted and dated this 29th day of July, 2009.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been forwarded via U.S.P.S First Class Mail to Stephen M. Todd, Senior Assistant County Attorney, P.O. Box 1110, Tampa FL 33601-1110, on this 29th day of July, 2009.



DENNIS HUNT, PRO-SE

SWORN STATEMENT

I have read the foregoing Motion and under the penalties of perjury, I state to the best of my knowledge, the facts stated therein are true and correct.

July 29, 2009
DATE



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