

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROY W. BRUCE and ALICE BRUCE,

Plaintiffs,
v. Case No. 8:17-cv-2023-T-33JSS

U.S. BANK, NA., AS TRUSTEE
SUCCESSOR IN INTEREST TO BANK OF
AMERICA, NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR BY MERGER TO
LASALLE BANK, NATIONAL
ASSOCIATION, AS TRUSTEE FOR
STRUCTURED ASSET SECURITIES
CORPORATION MORTGAGE PASS-THROUGH
and ALBERTELLI LAW,

Defendants.

ORDER

This matter comes before the Court pursuant to Defendant U.S. Bank, N.A., as Trustee Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to Lasalle Bank, National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through's Motion to Dismiss Complaint (Doc. # 8), which was filed on September 28, 2017. Plaintiffs, who are proceeding pro se, failed to file a response in opposition to the Motion to Dismiss within the time parameters of Local Rule 3.01(b), which states, "Each party opposing a motion or application shall file within fourteen (14) days after service of the motion or application a response that includes a memorandum of

legal authority in opposition to the request, all of which the respondent shall include in a document not more than twenty (20) pages." Local Rule 3.01(b), M.D. Fla.

As stated in Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989), "Once a pro se . . . litigant is in court, he is subject to the relevant law and rules of court, including the Federal Rules of Civil Procedure." Because Plaintiffs failed to respond to the Motion to Dismiss, this Court considers the Motion to Dismiss to be an unopposed motion. The Court thus grants the Motion. Defendant U.S. Bank, N.A., as Trustee Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to Lasalle Bank, National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through is dismissed from this case.

The Court notes that the Complaint, filed on August 24, 2017, also names Albertelli Law as a Defendant. (Doc. # 1). The deadline for Plaintiffs to serve Albertelli Law with the Summons and Complaint does not expire until November 22, 2017. The record does not reflect whether Plaintiffs have served Albertelli Law, and there has been no activity on the record with respect to Albertelli Law since the filing of the Complaint. So that the Court may assess whether Plaintiffs

intend to prosecute this matter as to the remaining Defendant, Albertelli Law, Plaintiffs are directed to file a status report by **October 31, 2017**, describing the efforts Plaintiffs have undertaken to serve Albertelli Law with the Summons and Complaint.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Defendant U.S. Bank, N.A., as Trustee Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to Lasalle Bank, National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through's Motion to Dismiss Complaint (Doc. # 8) is **GRANTED** as an unopposed motion.
- (2) Defendant U.S. Bank, N.A., as Trustee Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to Lasalle Bank, National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through is dismissed from this lawsuit.
- (3) Plaintiffs are directed to file a status report by **October 31, 2017**, describing the efforts Plaintiffs have undertaken to serve Albertelli Law with the Summons and Complaint.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 17th
day of October, 2017.

