

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAVID J. WIDI, JR.,)	
)	
Plaintiff,)	
)	
v.)	2:12-cv-00188-JAW
)	
PAUL MCNEIL, et al.,)	
)	
Defendants.)	

ORDER GRANTING MOTION TO EXTEND TIME TO FILE REPLY

The background of this Order typifies the inordinate difficulty the Court has had in resolving David J. Widi, Jr.'s claims. On November 18, 2013, Mr. Widi filed a Second Amended Complaint with the Court. *Second Am. Compl.* (ECF No. 191). The next day, the Magistrate Judge struck the Second Amended Complaint on the ground that the new pleading was not accompanied by a motion or memorandum and that under Federal Rule of Civil Procedure 15(a)(2), at that stage in the litigation, Mr. Widi was required to obtain written consent of the other party or court approval before the pleading would be allowed. *Order* (ECF No. 192). On December 13, 2013, Mr. Widi moved for reconsideration of the Order striking his Second Amended Complaint. *Mot. for Recons.* (ECF No. 197). On December 31, 2013, Defendant Paul McNeil filed an opposition to the motion for reconsideration. *McNeil's Opp'n to Pl.'s Recons. Mot.* (ECF No. 202). On January 3, 2014, Defendant TD Bank, N.A. filed its opposition. *Def. TD Bank, N.A.'s Opp'n to Pl.'s Mot for*

Recons. of Magistrate's Order Striking the Proposed Second Am. Compl. (ECF No. 203).

On January 13, 2014, Mr. Widi moved to stay this case because he was being transferred from Federal Correctional Institute (FCI) Ray Brook, New York to FCI Berlin, New Hampshire. *Mot. to Stay* (ECF No. 207). On January 14, 2014, the Magistrate Judge granted the motion in part and denied it in part, extending any response that he would have to make to a pending pleading by sixty days or twenty-one days after receipt of his new address, whichever occurred first. *Order* (ECF No. 208). On February 3, 2014, Mr. Widi notified the Court of his change of address but also requested a further stay until he received his legal material. *Notice of Change of Address* (ECF No. 209). On February 4, 2014, the Magistrate Judge granted in part and denied in part his motion to extend stay, ordering him to file pleadings regarding any pending motion by March 14, 2014. *Order* (ECF No. 211). On March 14, 2014, Mr. Widi filed a motion to extend time by an additional thirty days to file his reply to the responses to his motion for reconsideration, saying that he had not yet been provided with his legal work. *Mot. to Extend Time to File* (ECF No. 222). He stated that he had been placed in the Special Housing Unit and did not have access to his legal work. *Id.* at 1.

The upshot is that Mr. Widi has not yet filed a reply to the responses to his motion for reconsideration of an order dated November 13, 2014. The Court grants his March 14, 2014 motion to extend time for thirty days. To account for the "mailbox rule," FED. R. CIV. P. 6(d), the Court extends the time for filing the reply to

April 18, 2014. Ultimately, the Court has been able to reach and resolve Mr. Widi's motions, but this motion explains why justice in his cases is often delayed.

The Court GRANTS David J. Widi, Jr.'s Motion to Extend Time to File (ECF No. 222); David J. Widi, Jr.'s reply to the responses to his motion for reconsideration must be filed with this Court no later than April 18, 2014.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 10th day of April, 2014