

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-80331-CV-HURLEY/HOPKINS

JONATHAN E. PERLMAN,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

**ORDER DENYING MOTION FOR RECONSIDERATION AND DENYING AS
MOOT MOTION TO STRIKE AND MOTION FOR EXTENSION OF TIME**

THIS CAUSE is before the Court upon Plaintiff's Motion for Reconsideration [ECF No. 84] and Corrected Motion for Reconsideration [ECF No. 85] filed pursuant to Fed. R. Civ. P. 58(3), and Defendant's corresponding Motion to Strike [ECF No. 89] and Motion for Extension of Time to File an Opposition to the Motions for Reconsideration [ECF No. 90].

The Court granted Defendant's motion to dismiss with prejudice and entered final judgment on May 23, 2012. Under Rule 59(e), "[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." Under Rule 6(b), the Court may not extend this deadline. *See also Green v. Drug Enforcement Admin.*, 606 F.3d 1296, 1299 (11th Cir. 2010). Thus, any motion for reconsideration must have been filed by June 20, 2012.

Plaintiff filed the instant motions for reconsideration in the early morning of June 21, 2012. Thus, the motions are untimely, and the Court is without jurisdiction to extend the deadline. Had the motions been filed within the deadline, the Court would have been inclined to reconsider its order dismissing Plaintiff's claim *with prejudice* in light of the new allegations in Plaintiff's

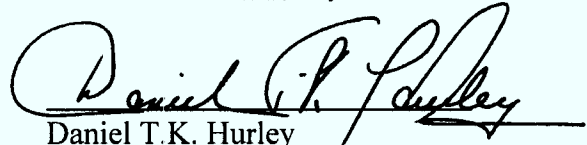
proposed Second Amended Complaint. These allegations were first presented to the Court in the motions for reconsideration and go well beyond the conclusory allegations and allegations of suspicious activities and red flags in the First Amended Complaint. However, because Plaintiff did not file the motions for reconsideration within the twenty-eight-day deadline specified in the Rules, the Court is simply unable to consider them, and they must therefore be denied.¹

Because the Court is denying the motions for reconsideration for want of jurisdiction, the Court will deny as moot Defendant's motion to strike and motion to extend the deadlines to oppose the motions for reconsideration.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. Plaintiff's Motion for Reconsideration [ECF No. 84] and Corrected Motion for Reconsideration [ECF No. 85] are **DENIED**.
2. Defendant's Motion to Strike [ECF No. 89] and Motion for Extension of Time to File an Opposition to the Motions for Reconsideration [ECF No. 90] are **DENIED AS MOOT**.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida this ^h29 day of June, 2012.


Daniel T.K. Hurley
United States District Judge

Copies provided to counsel of record

¹In addition, the Court notes that Plaintiff has subsequently filed a notice of appeal, which divests the Court of jurisdiction over aspects of the case involved in the appeal. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982).