

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

EDWARD LEE GILLIAM,

Plaintiff,

v.

Case No: 2:16-cv-255-FtM-29CM

U.S. DEPARTMENT OF  
VETERANS AFFAIRS,

Defendant.

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**ORDER**

This matter comes before the Court upon review of Plaintiff's Motion for Extended Time to Complete Third Amended Complaint filed on August 9, 2018. Doc. 64. On August 3, 2018, the Court dismissed Plaintiff's Second Amended Complaint without prejudice and granted Plaintiff leave to file a Third Amended Complaint on or before August 17, 2018. The case is currently set for trial in the February 4, 2019 trial term. Doc. 50. For the reasons stated below, the motion is granted.

Local Rule 3.01(g) requires that each motion filed in a civil case, with certain enumerated exceptions not at issue here, "stat[e] whether counsel agree on the resolution of the motion," and further provides that a statement to the effect that counsel for the moving party attempted to confer with counsel for the opposing party but counsel was unavailable is "insufficient to satisfy the parties' obligation to confer." M.D. Fla. R. 3.01(g). Here, Plaintiff failed to comply with Rule 3.01(g). Under the circumstances, however, including the current case schedule, the Court

finds good cause to excuse the failure and grant Plaintiff a short extension to file his Third Amended Complaint.

Although Plaintiff is entitled to proceed *pro se*, the Court encourages him to retain counsel admitted to practice before this Court to assist him with litigating this matter. *See Montgomery v. Brickell Place Condo. Ass'n*, No. 11-24316-CIV, 2012 WL 1203837, at \*3 (S.D. Fla. Apr. 11, 2012) (encouraging *pro se* plaintiff to “retain legal counsel and, failing that, to diligently research how to prosecute” a case in federal court because *pro se* parties are responsible for discovery, complying with scheduling orders, and following federal and local rules). A copy of the Local Rules may be obtained from the Court’s website at <http://www.flmd.uscourts.gov/>. Moreover, the website includes a “Litigants without Lawyers” page containing tips, frequently asked questions, sample forms and a “Guide for Proceeding without a Lawyer.” The Court notes that Plaintiff has been advised multiple times of his responsibility to follow the Middle District of Florida Local Rules and the orders of this Court and advises Plaintiff that future failures to comply may result in the imposition of sanctions.

ACCORDINGLY, it is

**ORDERED:**

1. Motion for Extended Time to Complete Third Amended Complaint (Doc. 64) is **GRANTED**.
2. Plaintiff shall have **up to and including August 24, 2018** to file a Third Amended Complaint.

**DONE** and **ORDERED** in Fort Myers, Florida on this 13th day of August, 2018.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record