

No. _____

IN THE

Supreme Court of the United States

DONNY MARIN, ET AL.,

Petitioner,

V.

THE BANK OF NEW YORK, etc.,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE FLORIDA THIRD DISTRICT COURT OF APPEAL**

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:

Pursuant to Supreme Court Rule 13.5, Petitioner, Donny Marin respectfully requests a 60-day extension of time, to and including Saturday, November 24, 2018, within which to file a petition for writ of certiorari to review the Denial of Rehearing En Banc of the Florida Third District Court of Appeal dated June 27, 2018, *Donny Marin and Lorenzo Perez, Jr., v. The Bank of New York, Case No: 3D17-1730* (Exhibit A). Petitioner timely sought discretionary review in the Supreme Court of Florida and it ultimately discharged jurisdiction on July 31, 2018 (Exhibit B) The jurisdiction of this Court will be invoked under 28 U.S.C. § 1257.

1. If the time is not extended, Petitioner's petition for writ of certiorari is due September 25, 2018.

2. Petitioner's case presents substantial issues asserting a denial of both procedural and substantive due process protected by the 5th and 14th Amendments to the U.S. Constitution.

3. Since the Third District Court of Appeal denied Appellant's Motion for Rehearing En Banc, undersigned counsel has had a number of professional obligations that have prevented them from completing Petitioner's certiorari petition. Those circumstances include: (1) preparing an Answer Brief in the Florida Third District Court of Appeal in *Onewest Bank National Association, v. Gloria Leek-Tannenbum*, Case No: 3D18-244, which was due on July 5, 2018; (2) preparing a Jurisdictional Brief to the Florida Supreme Court in *HSBC Bank USA v. Joseph T. Buset*, Case No. 3D16-138, which was due on July 11, 2018; (3) preparing an Initial Brief in the Florida Fourth District Court of Appeal in *Amy B. Schwartz and Jay F. Schwartz v. Bank of America, N.A.*, Case No. 4D17-3457, filed in the Florida Fourth District Court of Appeal on July 12, 2018; (4) preparing an Initial Brief in the Florida Third District Court of Appeal in *Dayna Walker and Marlene Walker, v. Deutsche Bank National Trust Company, as Trustee for Registered Holders of Long Beach Mortgage Loan Asset Backed Certificates Series 2006-9*, Case No: 3D18-1024, which was due on July 26, 2018; (5) preparing a Petition for Writ of Certiorari to the United States Supreme Court in *Keith Simpson v. The Bank of New York Mellon, et. al.*, Application No: 17A1386, which was filed in the United States Supreme Court on August 8, 2018; (6) preparing an Initial Brief in the Florida Third District Court of Appeal in *US Bank National Association, As Trustee Successor in Interest to Bank of America National Association, as Trustee Successor*

by Merger to Lasalle Bank National Association, as Trustee for First Franklin Mortgage Loan Trust 2007-1, Mortgage Pass through Certificates, Series 2007-1, v. Joseph Lamy and Marie Rosaire Lamy, et. al., Case No: 3D18-1270, which was due on August 29, 2018.

4. Additionally, over the course of the last few months, undersigned counsel has had a heavy caseload to work on which include attending various trials, conducting various depositions both in and out-of-state, and attending daily court hearings. Finally, undersigned counsel has also had several family and religious obligations.

5. Accordingly, Petitioner's counsel requires the additional requested time to prepare an appropriate petition for consideration by this Court. Respondent will not be prejudiced by the requested extension.

For the foregoing reasons, Petitioner hereby requests that an extension of time, to and including Saturday, November 24, 2018, be granted within which he may file a petition for writ of certiorari.

Respectfully submitted,

JACOBS LEGAL, PLLC

ALFRED I. DUPONT BUILDING

169 EAST FLAGLER STREET, SUITE 1620

MIAMI, FLORIDA 33131

TEL (305) 358-7991

FAX (305) 358-7992

SERVICE EMAIL: EFILE@JAKELEGAL.COM

BY: /s/ BRUCE JACOBS

BRUCE JACOBS

FLORIDA BAR NO. 116203

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

JUNE 27, 2018

DONNY MARIN AND LORENZO
PEREZ, JR.

Appellant(s)/Petitioner(s),

vs.

THE BANK OF NEW YORK

Appellee(s)/Respondent(s),

CASE NO.: 3D17-1730

L.T. NO.: 08-67540

Upon consideration, appellants' request for a written opinion is hereby denied. ROTHENBERG, C.J., and SALTER and EMAS, JJ., concur.

Appellants' verified motion to disqualify the Third District Court of Appeal is hereby denied.

ROTHENBERG, C.J., and SUAREZ, LAGOA, SALTER, EMAS,
FERNANDEZ, LOGUE, SCALES, LUCK and LINDSEY, JJ., concur.

Appellants' motion for rehearing en banc is denied.

ROTHENBERG, C.J., and SUAREZ, LAGOA, SALTER, EMAS,
FERNANDEZ, LOGUE, SCALES, LUCK and LINDSEY, JJ., concur.

Exhibit "A"



cc: Bruce Jacobs
Nicole R. Topper

Court E. Keeley

Daniel S. Hurtes

la

Supreme Court of Florida

TUESDAY, JULY 31, 2018

CASE NO.: SC18-1242

Lower Tribunal No(s).:

3D17-1730; 132008CA067540000001

DONNY MARIN, ET AL.,

vs.

THE BANK OF NEW YORK, ETC.,

Petitioner(s)

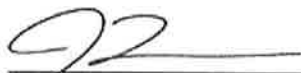
Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



td

Served:

AMIDA U. FREY
BRUCE JACOBS
HON. HARVEY RUVIN, CLERK
HON. JACQUELINE HOGAN SCOLA, JUDGE
HON. MARY CAY BLANKS, CLERK

DANIEL HURTES
ANNA C. MORALES

Exhibit "B"