

No. _____

IN THE

Supreme Court of the United States

JOSE RODRIGUEZ, etc.,

Petitioner,

V.

BANK OF AMERICA, N.A.,

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, Jose Rodriguez respectfully requests a 60-day extension of time, to and including Friday November 30, 2018, within which to file a petition for writ of certiorari to review the Denial of Rehearing of the Florida Third District Court of Appeal dated July 2, 2018, *Jose Rodriguez, etc., vs Bank of America, N. A., Case No:3D17-0272* (Exhibit A). Petitioner timely sought discretionary review in the Supreme Court of Florida and it ultimately discharged jurisdiction on August 7, 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 October 1, 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, 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 to the Florida Third District Court of Appeal in *Onewest Bank National Association, v. Gloria Leek-Tannenbaum*, 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 to 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 to 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 due on August 8, 2018; (6) preparing an Initial Brief to 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; (7) preparing a Writ of Certiorari to the United States Supreme Court in *Daniel H. Alexander, et al., v. Bayview Loan Servicing, LLC, Application No. 18A95*, which was due on September 21, 2018. 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.

4. 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 Friday November 30, 2018, be granted within which he may file a petition for writ of certiorari.

Respectfully submitted,
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EXHIBIT

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY 02, 2018

JOSE RODRIGUEZ, etc.,
Appellant(s)/Petitioner(s),

vs.

BANK OF AMERICA, N.A.,
Appellee(s)/Respondent(s),

CASE NO.: 3D17-0272

L.T. NO.: 13-30447

Upon consideration, appellant's motion for rehearing and request for a written opinion is hereby denied. SUAREZ, LAGOA and LINDSEY, JJ., concur.

Upon consideration, appellant's 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.

Appellant's motion for rehearing en banc is denied.

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



cc: Bruce Jacobs Dora F. Kaufman Court E. Keeley
Jessica B. Reyes Alan M. Pierce

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EXHIBIT

Supreme Court of Florida

TUESDAY, AUGUST 7, 2018

CASE NO.: SC18-1288
Lower Tribunal No(s).:
3D17-272; 132013CA030447000001

JOSE RODRIGUEZ

vs. BANK OF AMERICA, N.A.

Petitioner(s)

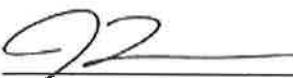
Respondent(s)

Having determined that this Court is without jurisdiction, this case is hereby dismissed. *See R.J. Reynolds Tobacco Co. v. Kenyon*, 882 So. 2d 986 (Fla. 2004).

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

A True Copy

Test:


John A. Tomasino
Clerk, Supreme Court



td

Served:

JESSICA B. REYES
BRUCE JACOBS
JOHN DAVID CUSICK
HON. HARVEY RUVIN, CLERK
HON. MARY CAY BLANKS, CLERK