

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:05-bk-16050-ABB
Chapter 7

RAUL ALEXANDER ALVAREZ,

Debtor.

_____ /

AMERICREDIT FINANCIAL
SERVICES, INC.

Plaintiff,

vs.

Adv. Pro. No. 6:06-ap-00040-ABB

RAUL ALEXANDER ALVAREZ,

Defendant.

_____ /

ORDER

This matter came before the Court on the Motion for Entry of Judgment After Default (Doc. 11) ("Motion") and Notice of Defendant's Failure to Respond to Admissions (Doc. No. 12) ("Notice") filed by AmeriCredit Financial Services, Inc., the Plaintiff herein ("Plaintiff"). The Plaintiff seeks judgment against Raul Alexander Alvarez, the Debtor and Defendant herein ("Debtor") based upon the Debtor's failure to respond to the Plaintiff's First Request for Admissions. The Plaintiff contends, pursuant Federal Rule of Procedure 36 and Federal Rule of Bankruptcy Procedure 7036, the requests for admission must be deemed admitted. The Debtor is *pro se* in this adversary proceeding¹ and has not entered an appearance or responded to any of the Plaintiff's pleadings. Federal Rule of Civil Procedure 36(a), made applicable to bankruptcy proceedings by Federal Rule of Bankruptcy Procedure 7036, permits a court wide latitude in shortening or lengthening the thirty-day response period for requests for admission, or allowing a defendant to respond after the response period has expired, particularly when the defendant is *pro se*. In

¹ See Amended Motion to Withdraw as Counsel (Doc. No. 19) and Disclosure of Compensation of Attorney for Debtor (Main Case Doc. No. 1) (Debtor's counsel in the main case was not retained to represent the Debtor in any adversarial proceedings).

re Savage, 303 B.R. 766, 772-73 (Bankr. D. Md. 2003); In re Swaney, Case No. 01-12810, 202 Bankr. LEXIS 1870, at *14-15 (Bankr. D. Kan. April 30, 2002). The time period for the Debtor to respond to the Plaintiff's First Request for Admissions, in the interests of justice, should be extended.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the time period for the Debtor to respond to the Plaintiff's First Request for Admissions is extended to and including August 11, 2006; and it is further

ORDERED, ADJUDGED and DECREED that should the Debtor fail to respond to the Plaintiff's First Request for Admissions by August 11, 2006, the requests shall be deemed admitted and judgment shall be entered for the Plaintiff; and it is further

ORDERED, ADJUDGED and DECREED that the Plaintiff's Motion is temporarily **DENIED** pending the Debtor's compliance with this Order.

Dated this 11th day of July, 2006.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge