

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MICHAEL T. FLYNN,

Plaintiff,

Case no. 8:23-CV-00485-MSS-CPT

vs.

UNITED STATES OF AMERICA,

Defendant.

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**JOINT MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), the parties respectfully move to extend the deadline for the filing of the United States' response to the Plaintiff's Second Amended Complaint ("SAC") by 40 days. The parties are currently pursuing neutral mediation efforts, and the additional time will allow the parties to continue these efforts. The United States' response to the SAC is currently due by December 22, 2025. If the extension request is granted, and an agreement in principle is not reached by the parties, the United States' response to the SAC will be due on or before February 1, 2025.

On July 28, 2023, Plaintiff filed an Amended Complaint asserting claims for abuse of process and malicious prosecution against the United

States pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b). ECF No. 34. The gravamen of Plaintiff’s Amended Complaint was that agents or agencies of the United States, including the Department of Justice (“DOJ”), the Federal Bureau of Investigation (“FBI”), the Special Counsel’s Office under Special Counsel Robert S. Mueller III (“SCO”), and the Executive Office of the President (“EOP”), improperly opened an investigation of Plaintiff, conducted an interview of Plaintiff after that investigation should have been closed, and brought criminal charges against him without probable cause based upon statements made during the interview. *See generally* ECF No. 34.

On September 15, 2023, the United States filed a motion to dismiss the Amended Complaint in its entirety because Plaintiff failed to plausibly allege an abuse of process or malicious prosecution claim under the FTCA—and thus the United States did not waive its sovereign immunity for either of those claims. *See* ECF No. 38. On December 10, 2024, the Court issued an Opinion finding that Plaintiff failed to adequately plead claims for malicious prosecution and abuse of process. *See* ECF No. 47. Accordingly, the Court granted the United States’ motion to dismiss the Amended Complaint. *Id.* at 20. However, in its order dismissing the Amended Complaint, the Court granted Plaintiff leave to file a Second Amended Complaint “that seeks to

resolve the deficiencies identified” by the Court. *Id.*

On June 30, 2025, Plaintiff filed the SAC continuing to set forth claims for malicious prosecution and abuse of process. *See generally* ECF No. 58. Following the filing of the SAC, the parties discussed settlement and are currently in the process of pursuing neutral mediation proceedings. Specifically, the parties are in the process of identifying a neutral mediator and hope to complete the mediation efforts as expeditiously as possible.

Here, good cause exists to extend the current deadlines by an additional 40 days. *See* Fed. R. Civ. P. 6(b)(1) (stating a court has discretion to extend response deadlines for “good cause”). The additional time will provide the parties with the ability to finalize selection of a neutral mediator and to complete the mediation proceedings. Granting the extension will serve judicial efficiency and will preserve the Court’s and the parties’ resources in the event mediation is successful.

Conclusion

For all the foregoing reasons, the parties respectfully request the Court to extend the deadline for the filing of the United States' response to the SAC by 40 days, to and including February 1, 2025.

Dated: December 9, 2025

/s/ Jason C. Greaves

Jared J. Roberts  
(Fl. Bar No. 1036550)

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on December 9, 2025, I filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send an electronic notice of filing.

/s/ Kristin McGrory

Kristin B. McGrory  
Trial Attorney