

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 JULIA MERCADO ECHEVARRÍA,  
4 et al.,

5  
6 Plaintiffs,

7 v.

8 PUERTO RICO DEPARTMENT OF  
9 CORRECTIONS, et al.,

10  
11 Defendants.

Civil No. 07-2134 (JAF)

12 **ORDER**

13 On November 29, 2007, Plaintiffs, Julia Mercado Echevarría  
14 ("Mercado") and her minor child Linnette Oramas Mercado, brought a  
15 pro-se action against Defendants, the Puerto Rico Department of  
16 Corrections ("DOC"); DOC employees Miguel A. Pereira Castillo,  
17 Fernando Fernández Correa, Annie González, Hilda Santos, Ivette Bodón  
18 González, and Rafael Santiago; and the General Workers' Union-UNECAD  
19 ("Union") and its director, Juan Eliza. Docket No. 24.

20 On May 7, 2008, we granted a motion for a more definite  
21 statement filed by the Union, Docket No. 3, and ordered Plaintiffs to  
22 file an amended complaint clarifying their claims, Docket No. 6. The  
23 Union and Eliza moved to dismiss the complaint pursuant to Federal  
24 Rule of Civil Procedure 12(b)(6) on June 24, 2008, and again on  
25 August 29, 2008, arguing that Plaintiffs had failed to comply with  
26 our order to amend their complaint and that the complaint as it stood

1 failed to state a claim upon which relief could be granted. Docket  
2 Nos. 11, 15.

3 On September 25, 2008, we again granted Plaintiffs leave to  
4 amend their original, pro-se complaint because Plaintiffs had since  
5 retained counsel. Docket No. 19. Plaintiffs, now with the assistance  
6 of counsel, opposed the motion to dismiss on October 3, 2008, Docket  
7 No. 20, and filed an amended complaint on October 6, 2008, Docket  
8 No. 24. As Plaintiffs have amended their complaint to comply with our  
9 May 7, 2008, Order, Docket No. 6, Eliza and the Union's motions to  
10 dismiss are now moot.

11 Accordingly, we **DENY** Defendants Eliza and the Union's motions to  
12 dismiss, Docket Nos. 11, 15, as **MOOT.**

13 **IT IS SO ORDERED.**

14 San Juan, Puerto Rico, this 9<sup>th</sup> day of February, 2009.

15 s/José Antonio Fusté  
16 JOSE ANTONIO FUSTE  
17 Chief U.S. District Judge