

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ROBERTO TORO-VAZQUEZ,

Plaintiff,

v.

Civil No. 19-1253 (ADC)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

On August 22, 2019 the Court entered an Order dismissing without prejudice plaintiff's social security complaint at **ECF No. 2**. The case was dismissed due to the fact that plaintiff's complaint failed to identify fundamental information, such as the decision from which plaintiff seeks review. **ECF No. 4**. Judgment was entered by the Clerk of Court accordingly. **ECF No. 5**. The Court of Appeals for the First Circuit vacated and remanded "for the district court to issue an order notifying [plaintiff] of the deficiencies of his complaint and allowing him to respond." **ECF No. 18**.

Accordingly, on May 14, 2021, the Court entered an Order explaining to plaintiff that the complaint failed to meet Fed. R. Civ. P. 8, which requires, as highlighted by the Court of Appeals, "(1) a short and plain statement of the ground for the court's jurisdiction; (2) a short

and plain statement of the claim showing entitlement to relief; and (3) a demand for the relief sought.” ECF No. 18 at 1.

For ease of reference and to provide additional context, the Court further informed plaintiff that “historically, pleadings have served [several] major functions: (1) giving notice of the nature of a claim []; (2) stating the facts [plaintiff] believes to exist; (3) narrowing the issues that must be litigated[...].” and explaining that “ [i]n this particular case[...] the complaint at ECF No. 2 failed to provide necessary information such as the information related to the decision upon which plaintiff seeks review.” See ECF No. 19 at 2.

Finally, the Court granted plaintiff 45 days to file an amended complaint or to file a new complaint with all the necessary information according to the requirements of Fed. R. Civ. P. 8. The Court encouraged plaintiff to review this District Court’s Civil Pro Se Litigation Guidebook.¹ See ECF No. 19 at 2. Plaintiff was warned that failure to amend the complaint may result in dismissal of the case.

On June 1, 2021, plaintiff filed a “Notice of Filing Exhibits.” ECF No. 21. However, the Court entered an Order indicating that

[t]he Court reviewed the documents submitted by plaintiff but was unable to find any document issued or related to the Social Security Administration or plaintiff’s benefits or denial thereof. Thus, as explained

¹ Available at:

<https://www.prd.uscourts.gov/sites/default/files/documents/17/Pro%20Se%20Litigant%20Guide%20March%202015%20%28English%29.pdf>; also available in the Spanish Language at: <https://www.prd.uscourts.gov/sites/default/files/documents/ajax/Pro%20Se%20Litigant%20Guide%20March%202015%20%28Spanish%29.pdf>

on August 22, 2019, in the Opinion and Order dismissing the complaint at ECF No. 4 and again in this Court's order issued on May 14, 2021, to date, plaintiff has failed to provide necessary information such as the decision upon which plaintiff filed the instant complaint. Plaintiff also failed to amend or supplement his complaint as instructed in the Order at **ECF No. 19**.

ECF No. 23. Accordingly, on August 1, 2022, plaintiff was yet again granted an extension of time of 30 days to provide the necessary information described at **ECF No. 19** or to supplement or amend his complaint to include a (1) a short and plain statement of the ground for the court's jurisdiction; (2) a statement of the claim showing entitlement to relief; and (3) a demand for the relief sought. **ECF No. 23.** The Court once again warned plaintiff that "failure to amend the complaint may result in dismissal of the case." *Id.*

Plaintiff failed to comply with this Court's Orders at **ECF Nos. 19, 23**. In an abundance of caution and considering that the Court of Appeals ordered this Court to "allow[] [plaintiff] to respond," once again, on April 13, 2023, the Court granted plaintiff yet another unsolicited 15-day extension of time to comply. **ECF No. 26.** Therein, the Court again explained that "failure to amend or supplement the complaint or his filings will result in dismissal of the case." *Id.*

To this date, plaintiff has failed to comply with the Orders at **ECF Nos. 19, 23, 26**. Thus, after all these years, plaintiff's pleading do not meet Fed. R. Civ. P. 8's standard. Moreover, plaintiff has failed to prosecute his case and to comply with several Orders from this Court.

Therefore, and considering the numerous warnings provided by the Court, the case is hereby **DISMISSED WITHOUT PREJUDICE**.

All pending motions are **MOOT**. Clerk of Court shall enter judgment.

SO ORDERED.

At San Juan, Puerto Rico, on this 8th day of May 2023.

S/AIDA M. DELGADO-COLÓN
United States District Judge