

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ERNESTO RUIZ-ROMERO,

Plaintiff,

v.

STELARIS FOOD 369, Inc.,

Defendant.

Civil No. 20-1510 (ADC)

OPINION AND ORDER

On September 29, 2020, Ernesto Ruiz-Romero (“plaintiff”) filed a *pro se* complaint for employment retaliation against Stelaris Food 369, Inc. and a motion to proceed *in forma pauperis*. **ECF Nos. 1, 2.** The Court denied plaintiff’s request to proceed *in forma pauperis* and granted plaintiff fifteen days to pay applicable filing fees. **ECF No. 6.** Plaintiff’s motions to amend the complaint were held in abeyance pending compliance with this Court’s Orders. *Id.*

Because plaintiff failed to comply with the Order, the Court dismissed plaintiff complaint via Opinion and Order at **ECF No. 7.** Judgment was entered accordingly. **ECF No. 8.**

On August 3, 2021, plaintiff filed a notice of appeal in connection with this Court’s Order at **ECF No. 6** denying plaintiff’s motion to proceed *in forma pauperis* at **ECF No. 1.** Plaintiff also filed a notice of appeal at **ECF No. 11** as to this Court’s Opinion and Order at **ECF No. 7.**

A motion for reconsideration, ECF No. 12, on this Court's Opinion and Order at ECF No. 7, was docketed on August 12, 2021. ECF No. 12. Plaintiff then moved for leave to appeal *in forma pauperis*. ECF No. 15.

On September 9, 2021, the United States Court of Appeals for the First Circuit entered an order, among other things, consolidating plaintiff's appeals and ordering the Court to forward its decision on plaintiff's motion for reconsideration to the Court of Appeals. ECF No. 17 at 1.

In accordance with the Order entered by Court of Appeals at ECF No. 17 and R. App. P. 4(a)(4)(B)(i), the Court hereby addresses plaintiff's motion for reconsideration at ECF No. 12.

In his motion, plaintiff challenges the Order denying his motion at ECF No. 1 to proceed *in forma pauperis* and ordering him to pay the applicable fees because it was. ECF No. 12 at 1. Plaintiff also argues that because of the COVID-19 restrictions, his access to the Court was very limited, which reduced the time the Court granted him to pay the filing fees from 15 days to 2 days as well as limited the time he had to "answer." Plaintiff also argues that the Court failed to apply several statutes (*i.e.* 28 U.S.C. 1915 and 49 U.S.C. 319) and questioned this Court's search through state court electronic docket without giving him the opportunity to respond. He also suggests that in order to obtain information of his state court records, this Court might have "talked to state judges."

The Court informs plaintiff that there was no "*ex-parte*" communication with any state judges. The information highlighted in the Opinion and Order, ECF No. 7, is available to the public via public records and online state court websites open to the general public. No

information other than plaintiff's name was needed to find all the public information included in the Opinion and Order.

With that clarification, and considering the limitations related to the COVID-19 pandemic protocols and restrictions, and plaintiff's inability to comply in time with this Court's orders, the Court **GRANTS** plaintiff's motion for reconsideration at **ECF No. 12**, and thus **RECONSIDERS AND VACATES** the Orders and Judgment at **ECF Nos. 6, 7 and 8**.

Plaintiff is granted 30 days to file an amended Application to Proceed in District Court Without Prepaying Fees or Costs or to inform if the one submitted at **ECF No. 1** is still accurate or if it needs any amendments for the Court to consider.

Clerk of Court shall forward this Order to the Court of Appeals.

SO ORDERED.

At San Juan, Puerto Rico, on this 17th day of September, 2021.

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