

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ERNESTO RUIZ-ROMERO

Plaintiff,

v.

Civil No. 20-1510 (ADC)

STELARIS FOOD 369, Inc.,

Defendant.

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 denying plaintiff's request to proceed without prepaying filing fees, 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**, as to 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 ruled upon plaintiff's motion for reconsideration at **ECF No. 12**. Considering the limitations related to the COVID-19 pandemic protocols and restrictions, and plaintiff's inability to timely comply with this Court's orders, the Court granted plaintiff's motion for reconsideration at **ECF No. 12**, and thus reconsidered and vacated the Orders and the Judgment at **ECF Nos. 6, 7 and 8** dismissing the case. However, the Court was very clear and specific:

Plaintiff's requests to proceed in forma pauperis and motion for appointment of counsel at ECF Nos. 20, 21, 22 are DENIED. In the interest of justice, plaintiff is hereby authorized to pay the applicable filing fees in accordance with the terms and conditions previously granted by a sister Court. Therefore, **plaintiff is authorized to pay the filing fee in monthly installments of \$80.00, due the first Friday of every month**, beginning on March 4, 20[22]. **Failure to comply with the payments will result in the dismissal of the case.**

ECF No. 27 (emphasis added).

Plaintiff has failed to comply and has not even effectuated a first payment. The Court has granted plaintiff more than reasonable time to comply and has granted plaintiff the benefit of a very of a payment plan. Regardless, plaintiff has failed to comply with this Court's order for more than six straight months.

Accordingly, the case is hereby **DISMISSED**. 28 U.S.C. § 1914. All pending motions are **MOOT**.

The Clerk of Court shall enter Judgment accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 18th day of November, 2022.

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