

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FELIPE MULERO,	:	
Plaintiff,	:	CIVIL ACTION NO.
v.	:	3:07-cv-1139 (JCH)
	:	
STATE OF CONNECTICUT,	:	
DEPARTMENT OF EDUCATION,	:	
Defendant.	:	SEPTEMBER 30, 2008

RULING RE: MOTION TO REOPEN (Doc. No. 52), MOTION FOR RECONSIDERATION (Doc. No. 53); MOTION FOR APPEAL TO OPEN CASE (Doc. No. 56); AND MOTION TO APPOINT COUNSEL (Doc. No. 59).

The court dismissed this case on August 18, 2008, on the ground that several of plaintiff's claims were barred by the Eleventh Amendment. As to the Title VII claim, plaintiff had failed to plausibly show that he had exhausted his administrative remedies. See Ruling (Doc. No. 50). The court dismissed the case without prejudice and granted plaintiff the right, within twenty-one days, to file an Amended Complaint if he could allege that his claims had been the subject of an administrative filing.¹

Plaintiff did not file an Amended Complaint. He has filed two Motions to Reopen (Doc. Nos. 52 and 56), a Motion for Reconsideration (Doc. No. 53), and a Motion to Amend Counsel (Doc. No. 59). Mindful of the standard for reopening a case, or reconsidering, the court does not see a basis to do so: no new law or unavailable evidence have been brought to the court's attention, and it is not necessary to reopen in order to avoid a manifest injustice. Upon review of all his pleadings, the court could discern no Right to Sue Letter or other evidence showing exhaustion of his Title VII claim. The court, therefore, denies the Motions to Reopen (Doc. Nos. 52 and 56) and

¹The court also required the plaintiff to attach to that Amended Complaint his right to sue letter that corresponds to his claims. See Ruling (Doc. No. 50) at 15.

the Motion to Reconsider (Doc. No. 53).

Given the case is now closed, the Motion to Appoint Counsel (Doc. No. 59) is denied.

SO ORDERED.

Dated at Bridgeport, Connecticut this 30th day of September, 2008.

/s/ Janet C. Hall

Janet C. Hall

United States District Judge