

S.D.N.Y. – N.Y.C.
23-cv-3706
Swain, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of January, two thousand twenty-four.

Present:

Debra Ann Livingston,
Chief Judge,
Dennis Jacobs,
Raymond J. Lohier, Jr.,
Circuit Judges.

Jesus M. Romero, Sr., individually and on behalf of J.R., a minor,

Plaintiff-Appellant,

v.

23-1291

Bellevue Hospital, et al.,

Defendants-Appellees.

Appellant, pro se, moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: January 25, 2024

Docket #: 23-1291cv

Short Title: Romero v. Bellevue Hospital

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 23-cv-3706

DC Court: SDNY (NEW YORK
CITY)

DC Judge: Swain

NOTICE OF CASE MANAGER CHANGE

The case manager assigned to this matter has been changed.

Inquiries regarding this case may be directed to 212-857-8541.

General Docket
Court of Appeals, 2nd Circuit

Court of Appeals Docket #: 23-1291		Docketed: 09/20/2023	
Nature of Suit: 3446 Americans w/Disabilities Act-O		Termed: 01/25/2024	
Romero v. Bellevue Hospital			
Appeal From: SDNY (NEW YORK CITY)			
Fee Status: IFP Pending in USCA			
Case Type Information:			
1) Civil			
2) Private			
3) -			
Originating Court Information:			
District: 0208-1 : <u>23-cv-3706</u>			
Trial Judge: Laura Taylor Swain, U.S. District Judge			
Date Filed: 05/02/2023			
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
08/28/2023	08/28/2023	09/19/2023	09/20/2023
Prior Cases:			
None			
Current Cases:			
None			
Panel Assignment: Not available			

Jesus M. Romero, Sr., individually and on behalf of J.R., a
minor
Plaintiff – Appellant

Jesus M. Romero, Sr., –
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10 Richman Plaza
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Bronx, NY 10453

Bellevue Hospital
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
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Bernadette Smalls, Patient Representative of Patient
Relations
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
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(see above)

Sarah Beth Lardie, Executive Director of Bellevue Hospital
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
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M.D. Margaret McHugh
Defendant – Appellee

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(see above)

Dr. Catapano, Pediatric Dental Dept. Superior
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
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NYC Health & Hospital
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
Terminated: 09/26/2023
Direct: 212-356-0800
[COR NTC Government]
(see above)

Jesus M. Romero, Sr., individually and on behalf of J.R., a minor,

Plaintiff – Appellant,

v.

Bellevue Hospital, Bernadette Smalls, Patient Representative of Patient Relations, Sarah Beth Lardie, Executive Director of Bellevue Hospital, M.D. Margaret McHugh, Dr. Catapano, Pediatric Dental Dept. Superior, NYC Health & Hospital,

Defendants – Appellees.

09/20/2023	<u>1</u>	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Jesus M. Romero, Sr., FILED. [3571667] [23-1291] [Entered: 09/21/2023 12:39 PM]
09/20/2023	<u>2</u>	DISTRICT COURT JUDGMENT, dated 08/28/2023, RECEIVED.[3571670] [23-1291] [Entered: 09/21/2023 12:43 PM]
09/20/2023	<u>3</u>	ELECTRONIC INDEX, in lieu of record, FILED.[3571672] [23-1291] [Entered: 09/21/2023 12:43 PM]
09/21/2023	<u>4</u>	NOTICE, re: pending district court IFP motion, to district court, SENT.[3571674] [23-1291] [Entered: 09/21/2023 12:45 PM]
09/21/2023	<u>5</u>	INSTRUCTIONAL FORMS, to Pro Se litigant, SENT.[3571678] [23-1291] [Entered: 09/21/2023 12:48 PM]
09/25/2023	<u>6</u>	LETTER, dated 09/25/2023, on behalf of Appellee Bellevue Hospital, Catapano, Sarah Beth Lardie, Margaret McHugh, NYC Health & Hospital and Bernadette Smalls, requesting that it no longer be identified as counsel for the Appellees' because the district court dismissed the complaint sua sponte, RECEIVED. Service date 09/25/2023 by US mail.[3573823] [23-1291] [Entered: 09/26/2023 05:24 PM]
09/26/2023	<u>7</u>	ATTORNEY, Sylvia Hinds-Radix, for NYC Health & Hospital, Catapano, Margaret McHugh, Sarah Beth Lardie, Bernadette Smalls, and Bellevue Hospital, TERMINATED.[3573824] [23-1291] [Entered: 09/26/2023 05:25 PM]
09/29/2023	<u>9</u>	FORM D-P, on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 09/29/2023 by US mail.[3575586] [23-1291] [Entered: 09/29/2023 01:30 PM]
09/29/2023	<u>10</u>	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE FORM, on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 09/29/2023 by US mail.[3575588] [23-1291] [Entered: 09/29/2023 01:31 PM]
10/10/2023	<u>11</u>	MOTION, to proceed in forma pauperis, on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 10/11/2023 by US mail.[3580094] [23-1291] [Entered: 10/11/2023 06:36 PM]
10/17/2023	<u>16</u>	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant Jesus M. Romero, Sr., informing Court of proposed due date 12/29/2023, RECEIVED. Service date 10/17/2023 by US mail.[3583087] [23-1291] [Entered: 10/19/2023 07:19 PM]
10/17/2023	<u>17</u>	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Appellant Jesus M. Romero, Sr., FILED. Service date 10/17/2023 by US mail. [3583088] [23-1291] [Entered: 10/19/2023 07:20 PM]
10/17/2023	<u>18</u>	SUPPLEMENTARY PAPERS TO MOTION, [11], on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 10/17/2023 by US mail.[3583089][18] [23-1291] [Entered: 10/19/2023 07:21 PM]
12/11/2023	<u>22</u>	SUPPLEMENTARY PAPERS TO MOTION [11], on behalf of Appellant Jesus M. Romero, Sr., FILED.[3598008][22] [23-1291] [Entered: 12/13/2023 03:51 PM]
12/13/2023	<u>25</u>	SUPPLEMENTARY PAPERS TO MOTION [11], on behalf of Appellant Jesus M. Romero, Sr., FILED.[3598477][25] [23-1291] [Entered: 12/15/2023 10:00 AM]
01/09/2024	<u>30</u>	PAPERS, Duplicate Oral Argument Statement and Statement regarding lawsuit against Bellevue Hospital, RECEIVED.[3605485] [23-1291] [Entered: 01/23/2024 02:36 PM]
01/25/2024	<u>32</u>	MOTION ORDER, denying motion to proceed in forma pauperis [11] filed by Appellant Jesus M. Romero, Sr., and the appeal is dismissed, by DAL, DJ, RJL, copy to pro se Appellant, FILED. [3605970][32] [23-1291] [Entered: 01/25/2024 08:20 AM]

1291 Romero v. Bellevue Hospital

01/25/2024	<u>33</u>	APPEAL, pursuant to court order, dated 01/25/2024, DISMISSED.[3605971] [23-1291] [Entered: 01/25/2024 08:24 AM]
01/25/2024	<u>34</u>	NEW CASE MANAGER, Yenni Liu, ASSIGNED.[3605972] [23-1291] [Entered: 01/25/2024 08:24 AM]



United States District Court
Southern District of New York

Ruby J. Krajick
Clerk of Court

Dear Litigant:

Enclosed is a copy of the judgment entered in your case. If you disagree with a judgment or final order of the district court, you may appeal to the United States Court of Appeals for the Second Circuit. To start this process, file a "Notice of Appeal" with this Court's Pro Se Intake Unit.

You must file your notice of appeal in this Court within 30 days after the judgment or order that you wish to appeal is entered on the Court's docket, or, if the United States or its officer or agency is a party, within 60 days after entry of the judgment or order. If you are unable to file your notice of appeal within the required time, you may make a motion for extension of time, but you must do so within 60 days from the date of entry of the judgment, or within 90 days if the United States or its officer or agency is a party, and you must show excusable neglect or good cause for your inability to file the notice of appeal by the deadline.

Please note that the notice of appeal is a *one-page* document containing your name, a description of the final order or judgment (or part thereof) being appealed, and the name of the court to which the appeal is taken (the Second Circuit) – *it does not* include your reasons or grounds for the appeal. Once your appeal is processed by the district court, your notice of appeal will be sent to the Court of Appeals and a Court of Appeals docket number will be assigned to your case. At that point, all further questions regarding your appeal must be directed to that court.

The filing fee for a notice of appeal is \$505 payable in cash, by bank check, certified check, or money order, to "Clerk of Court, S.D.N.Y." *No personal checks are accepted.* If you are unable to pay the \$505 filing fee, complete the "Motion to Proceed *in Forma Pauperis* on Appeal" form and submit it with your notice of appeal to the Pro Se Intake Unit. If the district court denies your motion to proceed *in forma pauperis* on appeal, or has certified under 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in good faith, you may file a motion in the Court of Appeals for leave to appeal *in forma pauperis*, but you must do so within 30 days after service of the district court order that stated that you could not proceed *in forma pauperis* on appeal.

For additional issues regarding the time for filing a notice of appeal, see Federal Rule of Appellate Procedure 4(a). There are many other steps to beginning and proceeding with your appeal, but they are governed by the rules of the Second Circuit Court of Appeals and the Federal Rules of Appellate Procedure. For more information, visit the Second Circuit Court of Appeals website at <http://www.ca2.uscourts.gov/>.

THE DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007-1312

THE CHARLES L. BRIEANT, JR.
UNITED STATES COURTHOUSE
300 QUARROPAS STREET
WHITE PLAINS, NY 10601-4150

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESUS M. ROMERO, SR., *individually and on
behalf of J.R., a minor,*

Plaintiff,

-against-

BERNADETTE SMALLS, *Patient
Representative of Patient Relations*; SARAH
BETH LARDIE, *Executive Director of Bellevue
Hosp.*, MARGARET McHUGH M.D.; DR.
CATAPANO, *Pediatric Dental Department
Supervisor*;

Defendants.

23-CV-3706 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se* and *in forma pauperis* (IFP), filed this complaint alleging that Defendants violated his rights and the rights of his minor son. By order dated June 20, 2023, the Court directed Plaintiff to amend his complaint to address deficiencies in his original pleading. Plaintiff filed an amended complaint on July 19, 2023, and the Court has reviewed it. The action is dismissed for the reasons set forth below.

BACKGROUND AND DISCUSSION

Plaintiff filed this action against Bellevue Hospital, invoking 21 U.S.C. § 360bbb-3, which governs “authorization[s] for medical products for use in emergencies”; Title III of the Americans with Disabilities Act “(ADA)”; 18 U.S.C. §§ 241 and 242; the “New York City Administrative Code, Title 18 chapter 4-8-402;” and the “NYC Rights Article 4 sub-40-c.” (ECF 1 ¶ I.A.) The following facts are drawn from the original complaint.

On December 9, 2022, Plaintiff, his 12-year-old son, and his son’s mother went to the Pediatric Dental Unit at Bellevue Hospital in Manhattan, and sat in the waiting area for a

scheduled appointment. (*Id.* at 9.) When Plaintiff's son's name was called for the appointment, a clerk said that the son would need to wear a mask. When Plaintiff objected, the clerk summoned "hospital authorities," and Plaintiff and his family were escorted out of the hospital before his son was treated. (*Id.*) Plaintiff claims that the hospital's mask rule "goes against [Section 360bbb-3], where it clearly states that no emergency use authorized medical devices [can] be mandated, such as mask, face coverings, PCR Test and COVID19 vaccines." (*Id.* at 9.) According to Plaintiff, "a refusal for an emergency use authorized product is a right." (*Id.*) Plaintiff filed a complaint with the "patient relations department," and an "American Disabilities Act rights advocate" wrote a letter to the hospital on Plaintiff's behalf, but Plaintiff received no response. (*Id.* at 10.)

Plaintiff alleged that this experience left him "emotionally distressed," for which he sought money damages. (*Id.* ¶ IV.) Plaintiff also sought an order

[a]llow[ing] me + my son to be able to make all visits without requiring to wear masks whether it is dental check ups, primary care visits, etc. Also, if my son has dental appointments, primary care, appointments, or whatever it may be that I or more than 1 parent can go in with my son instead of just 1 parent.

(*Id.* at 7.)

On the same day that Plaintiff filed this complaint, he filed another complaint asserting similar claims against BronxCare Hospital. *See Romero v. BronxCare Hosp.*, ECF 1:23-CV-3708, 1 (S.D.N.Y. filed May 2, 2023) (pending).

In the June 20, 2023 order, the Court: (1) dismissed any claims filed on behalf of Plaintiff's son; (2) dismissed any claims under Section 360bbb-3 because that statute does not provide for a private right of action; (3) dismissed the claims arising under federal criminal statutes; (4) dismissed claims against Bellevue Hospital because it is a nonsuable entity, and informed Plaintiff that, if he wished to assert claims against H+H, he needed to allege facts

suggesting that a municipal policy, custom, or practice contributed to violations of his rights; and (5) directed Plaintiff to replead his ADA claim in an amended complaint because there were no facts in the original complaint suggesting that Plaintiff is disabled, that he was denied the opportunity to participate in or benefit from Defendants' services, programs, or activities because of a disability, or was otherwise discriminated against by Defendants by reason of a disability. (ECF 4.)

Plaintiff filed an amended complaint, again on behalf of himself and his minor son, naming as Defendants H+H; Bernadette Smalls, "Patient Representative Of Patient Relations" at Bellevue; Sarah Beth Lardie, the Executive Director of Bellevue; Dr. Margaret McHugh, Plaintiff's son's primary care doctor; and Dr. Catapano, the Pediatric Dental Department Supervisor. The allegations in the amended complaint are similar to those set forth in his original pleading. Plaintiff reiterates that he had a "right" to refuse Defendants' request that he and his family wear masks. (ECF 5 ¶ III.)

Plaintiff's amended complaint does not remedy the deficiencies outlined in the June 20, 2023 order. Plaintiff again purports to assert claims on his son's behalf, which he cannot do as a *pro se* litigant, and he fails to allege that he is disabled, or that he was denied the opportunity to participate in or benefit from Defendants' services, programs, or activities, or was otherwise discriminated against by Defendants because of a disability. Plaintiff has thus failed to set forth facts stating a viable claim under the ADA.

District courts generally grant a *pro se* plaintiff leave to amend a complaint to cure its defects, but leave to amend may be denied if the plaintiff has already been given an opportunity to amend but has failed to cure the complaint's deficiencies. *See Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Because

the defects in Plaintiff's amended complaint cannot be cured with a further amendment, the Court declines to grant Plaintiff another opportunity to amend.

CONCLUSION

Plaintiff's complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: August 28, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

MIME-Version:1.0
From:NYSD_ECF_Pool@nysd.uscourts.gov
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Subject:Activity in Case 1:23-cv-03706-LTS Romero v. Bellevue Hospital Order of Dismissal
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U.S. District Court
Southern District of New York

Notice of Electronic Filing
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Case Name: Romero v. Bellevue Hospital

Case Number: 1:23-cv-03706-LTS <https://ecf.nysd.uscourts.gov/cgi-bin/DktRpt.pl?598170>

Filer:

Document Number: 6

Copy the URL address from the line below into the location bar of your Web browser to view the document:
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Docket Text:
ORDER OF DISMISSAL: Plaintiff's complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to enter judgment in this case. SO ORDERED. (Signed by Judge Laura Taylor Swain on 8/28/2023) (sac)

1:23-cv-03706-LTS Notice has been electronically mailed to:

1:23-cv-03706-LTS Notice has been delivered by other means to:
Jesus M. Romero, Sr
10 Richman Plaza
Apt. 37C
Bronx, NY 10453

The following document(s) are associated with this transaction:
Document description: Main Document
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1008691343 {Date=8/28/2023} [FileNumber=30005579-0]
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESUS M. ROMERO, SR., individually and
on behalf of J.R., a minor,

Plaintiff,

-against-

BERNADETTE SMALLS, Patient
Representative of Patient Relations; SARAH
BETH LARDIE, Executive Director of
Bellevue Hosp., MARGARET McHUGH
M.D.; DR. CATAPANO, Pediatric Dental
Department Supervisor;

Defendants.

23-CV-3706 (LTS)

CIVIL JUDGMENT

For the reasons stated in the August 28, 2023, order, this action is dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's
judgment would not be taken in good faith.

SO ORDERED.

Dated: August 28, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

MIME-Version:1.0
From:NYSD_ECF_Pool@nysd.uscourts.gov
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U.S. District Court
Southern District of New York

Notice of Electronic Filing
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Case Name: Romero v. Bellevue Hospital

Case Number: 1:23-cv-03706-LTS <https://ecf.nysd.uscourts.gov/cgi-bin/DktRpt.pl?598170>

Filer:

Document Number: 7

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Docket Text:
CIVIL JUDGMENT: For the reasons stated
in the August 28, 2023, order, this action is dismissed. The Court certifies
under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's
judgment would not be taken in good faith. SO ORDERED. (Signed by Judge
Laura Taylor Swain on 8/28/2023) (Attachments: # (1) Pro Se Appeal Package)
(sac)

1:23-cv-03706-LTS Notice has been electronically mailed to:

1:23-cv-03706-LTS Notice has been delivered by other means to:
Jesus M. Romero, Sr
10 Richman Plaza
Apt. 37C
Bronx, NY 10453

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Document description: Main Document
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Document description: Pro Se Appeal Package
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1008691343 [Date=8/28/2023] [FileNumber=30005605-1]
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8d1de509bd53e0c73cd051c0036e452be9fcdb946951aee8e]]

Appendix C

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of March, two thousand twenty-four,

Present:

Debra Ann Livingston,
Chief Judge,
Dennis Jacobs,
Raymond J. Lohier, Jr.,
Circuit Judges.

Jesus M. Romero, Sr., individually and on behalf of J.R., a minor,

Plaintiff - Appellant,

ORDER
Docket No. 23-1291

v.

Bellevue Hospital, Bernadette Smalls, Patient Representative of Patient Relations, Sarah Beth Lardie, Executive Director of Bellevue Hospital, M.D. Margaret McHugh, Dr. Catapano, Pediatric Dental Dept. Superior, NYC Health & Hospital,

Defendants - Appellees.

Appellant filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe



General Docket
Court of Appeals, 2nd Circuit

Court of Appeals Docket #: 23-1291		Docketed: 09/20/2023	
Nature of Suit: 3446 Americans w/Disabilities Act-O		Termed: 01/25/2024	
Romero v. Bellevue Hospital			
Appeal From: SDNY (NEW YORK CITY)			
Fee Status: IFP Pending in USCA			
Case Type Information:			
1) Civil			
2) Private			
3) -			
Originating Court Information:			
District: 0208-1 : <u>23-cv-3706</u>			
Trial Judge: Laura Taylor Swain, U.S. District Judge			
Date Filed: 05/02/2023			
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
08/28/2023	08/28/2023	09/19/2023	09/20/2023
Prior Cases:			
None			
Current Cases:			
None			
Panel Assignment: Not available			

Jesus M. Romero, Sr., individually and on behalf of J.R., a
minor

Plaintiff – Appellant

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Bellevue Hospital

Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
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New York City Law Department
100 Church Street
New York, NY 10007

Bernadette Smalls, Patient Representative of Patient
Relations

Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
Terminated: 09/26/2023
Direct: 212-356-0800
[COR NTC Government]
(see above)

Sarah Beth Lardie, Executive Director of Bellevue Hospital
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
Terminated: 09/26/2023
Direct: 212-356-0800
[COR NTC Government]
(see above)

M.D. Margaret McHugh

Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
Terminated: 09/26/2023
Direct: 212-356-0800
[COR NTC Government]
(see above)

Dr. Catapano, Pediatric Dental Dept. Superior
Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
Terminated: 09/26/2023
Direct: 212-356-0800
[COR NTC Government]
(see above)

NYC Health & Hospital

Defendant – Appellee

Sylvia Hinds-Radix, Esq., Corporation Counsel
Terminated: 09/26/2023
Direct: 212-356-0800
[COR NTC Government]
(see above)

Jesus M. Romero, Sr., individually and on behalf of J.R., a minor,

Plaintiff – Appellant,

v.

Bellevue Hospital, Bernadette Smalls, Patient Representative of Patient Relations, Sarah Beth Lardie, Executive Director of Bellevue Hospital, M.D. Margaret McHugh, Dr. Catapano, Pediatric Dental Dept. Superior, NYC Health & Hospital,

Defendants – Appellees.

09/20/2023	<u>1</u>	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Jesus M. Romero, Sr., FILED. [3571667] [23-1291] [Entered: 09/21/2023 12:39 PM]
09/20/2023	<u>2</u>	DISTRICT COURT JUDGMENT, dated 08/28/2023, RECEIVED.[3571670] [23-1291] [Entered: 09/21/2023 12:43 PM]
09/20/2023	<u>3</u>	ELECTRONIC INDEX, in lieu of record, FILED.[3571672] [23-1291] [Entered: 09/21/2023 12:43 PM]
09/21/2023	<u>4</u>	NOTICE, re: pending district court IFP motion, to district court, SENT.[3571674] [23-1291] [Entered: 09/21/2023 12:45 PM]
09/21/2023	<u>5</u>	INSTRUCTIONAL FORMS, to Pro Se litigant, SENT.[3571678] [23-1291] [Entered: 09/21/2023 12:48 PM]
09/25/2023	<u>6</u>	LETTER, dated 09/25/2023, on behalf of Appellee Bellevue Hospital, Catapano, Sarah Beth Lardie, Margaret McHugh, NYC Health & Hospital and Bernadette Smalls, requesting that it no longer be identified as counsel for the Appellees' because the district court dismissed the complaint sua sponte, RECEIVED. Service date 09/25/2023 by US mail.[3573823] [23-1291] [Entered: 09/26/2023 05:24 PM]
09/26/2023	<u>7</u>	ATTORNEY, Sylvia Hinds-Radix, for NYC Health & Hospital, Catapano, Margaret McHugh, Sarah Beth Lardie, Bernadette Smalls, and Bellevue Hospital, TERMINATED.[3573824] [23-1291] [Entered: 09/26/2023 05:25 PM]
09/29/2023	<u>9</u>	FORM D-P, on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 09/29/2023 by US mail.[3575586] [23-1291] [Entered: 09/29/2023 01:30 PM]
09/29/2023	<u>10</u>	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE FORM, on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 09/29/2023 by US mail.[3575588] [23-1291] [Entered: 09/29/2023 01:31 PM]
10/10/2023	<u>11</u>	MOTION, to proceed in forma pauperis, on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 10/11/2023 by US mail.[3580094] [23-1291] [Entered: 10/11/2023 06:36 PM]
10/17/2023	<u>16</u>	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant Jesus M. Romero, Sr., informing Court of proposed due date 12/29/2023, RECEIVED. Service date 10/17/2023 by US mail.[3583087] [23-1291] [Entered: 10/19/2023 07:19 PM]
10/17/2023	<u>17</u>	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Appellant Jesus M. Romero, Sr., FILED. Service date 10/17/2023 by US mail. [3583088] [23-1291] [Entered: 10/19/2023 07:20 PM]
10/17/2023	<u>18</u>	SUPPLEMENTARY PAPERS TO MOTION, [11], on behalf of Appellant Jesus M. Romero, Sr., FILED. Service date 10/17/2023 by US mail.[3583089][18] [23-1291] [Entered: 10/19/2023 07:21 PM]
12/11/2023	<u>22</u>	SUPPLEMENTARY PAPERS TO MOTION [11], on behalf of Appellant Jesus M. Romero, Sr., FILED.[3598008][22] [23-1291] [Entered: 12/13/2023 03:51 PM]
12/13/2023	<u>25</u>	SUPPLEMENTARY PAPERS TO MOTION [11], on behalf of Appellant Jesus M. Romero, Sr., FILED.[3598477][25] [23-1291] [Entered: 12/15/2023 10:00 AM]
01/09/2024	<u>30</u>	PAPERS, Duplicate Orasl Argument Statement and Statement regarding lawsuit against Bellevue Hospital, RECEIVED.[3605485] [23-1291] [Entered: 01/23/2024.02:36 PM]
01/25/2024	<u>32</u>	MOTION ORDER, denying motion to proceed in forma pauperis [11] filed by Appellant Jesus M. Romero, Sr., and the appeal is dismissed, by DAL, DJ, RJL, copy to pro se Appellant, FILED. [3605970][32] [23-1291] [Entered: 01/25/2024 08:20 AM]

01/25/2024	<u>33</u>	APPEAL, pursuant to court order, dated 01/25/2024, DISMISSED.[3605971] [23-1291] [Entered: 01/25/2024 08:24 AM]
01/25/2024	<u>34</u>	NEW CASE MANAGER, Yenni Liu, ASSIGNED.[3605972] [23-1291] [Entered: 01/25/2024 08:24 AM]
02/06/2024	<u>36</u>	MOTION, for reconsideration, on behalf of Appellant Jesus M. Romero, Sr., FILED. [3608666] [23-1291] [Entered: 02/07/2024 12:56 PM]
02/07/2024	<u>37</u>	MOTION, for permission to accept exhibits to motion for reconsideration, on behalf of Appellant Jesus M. Romero, Sr., FILED. [3608668] [23-1291] [Entered: 02/07/2024 12:58 PM]
02/23/2024	<u>41</u>	MOTION ORDER, denying motion for leave to attach exhibits to his motion for reconsideration [37] filed by Appellant Jesus M. Romero, Sr., by RJL, copy to pro se Appellant, FILED. [3611450][41] [23-1291] [Entered: 02/23/2024 10:25 AM]
03/06/2024	<u>45</u>	MOTION ORDER, denying motion for reconsideration [36] filed by Appellant Jesus M. Romero, Sr., by DAL, DJ, RJL, copy to pro se Appellant, FILED. [3613661][45] [23-1291] [Entered: 03/06/2024 03:27 PM]