

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:24-cv-20993-MD**

Gomez v. University Of Miami  
Assigned to: Judge Melissa Damian  
Case in other court: USCA, 24-12361-FF  
Cause: 28:1983 Civil Rights

Date Filed: 03/14/2024  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Rafael Gomez**

represented by **Rafael Gomez**  
8250 W 21st lane Apt 105  
Hialeah, FL 33016  
PRO SE

V.

**Defendant**

**University Of Miami**

represented by **Christopher Michael Yannuzzi**  
Isicoff Ragatz  
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Suite 750  
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*LEAD ATTORNEY*  
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Date Filed	#	Docket Text
06/06/2025	31	Clerk's NOTICE of Compliance with DE <a href="#">30</a> . Copy of Order DE <a href="#">30</a> mailed to the Plaintiff at address listed in the order. (cwc) (Entered: 06/06/2025)
06/05/2025	<a href="#">30</a>	ORDER REQUIRING RESPONSE TO MOTION re DE <a href="#">26</a> ORDER REOPENING CASE AND GRANTING DEFENDANT'S MOTION TO REINSTATE MOTION TO DISMISS FOLLOWING REMAND FROM ELEVENTH CIRCUIT. Opposing Memorandum of law to Motion to Dismiss or Show Cause Response why the Motion should not be granted due by 6/27/2025. Signed by Judge Melissa Damian on 6/5/2025. <i>See attached document for full details.</i> (cwc) (Entered: 06/06/2025)
05/30/2025	29	ORDER REFERRING CASE to Volunteer Attorney Program per DE <a href="#">28</a> . Signed by Judge Melissa Damian on 5/30/2025. <i>See attached document for full details.</i> (cwc) (Entered: 06/02/2025)
05/30/2025	<a href="#">28</a>	ORDER ON PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL denying DE <a href="#">27</a> Motion to Appoint Counsel ; denying DE <a href="#">27</a> Motion for Hearing. Signed by Judge Melissa Damian on 5/30/2025. <i>See attached document for full details.</i> (cwc) (Entered: 05/30/2025)
05/28/2025	<a href="#">27</a>	MOTION to Appoint Counsel ( Responses due by 6/11/2025.), MOTION for Jury Trial by Rafael Gomez. (cwc) (Entered: 05/28/2025)
05/16/2025	<a href="#">26</a>	ORDER REOPENING CASE AND GRANTING DEFENDANT'S MOTION TO REINSTATE MOTION TO DISMISS FOLLOWING REMAND FROM ELEVENTH CIRCUIT [ECF NO. 25], Motions terminated: Set/Reset Deadlines/ Hearings as to <a href="#">11</a> Defendant's MOTION TO DISMISS <a href="#">1</a> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM .( Responses due by 5/30/2025.) Motions terminated: <a href="#">11</a> Defendant's MOTION TO DISMISS <a href="#">1</a> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM filed by University Of Miami. Signed by Judge Melissa Damian on 5/16/2025. <i>See attached document for full details.</i> (drz) Modified text on 5/16/2025 (drz). (Entered: 05/16/2025)
05/13/2025	<a href="#">25</a>	Defendant's MOTION to Reinstate Motion to Dismiss Following Remand from Eleventh Circuit re <a href="#">24</a> USCA Mandate, <a href="#">11</a> Defendant's MOTION TO DISMISS <a href="#">1</a> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM by University Of Miami. (Yannuzzi, Christopher) (Entered: 05/13/2025)
05/13/2025	<a href="#">24</a>	MANDATE of USCA (certified copy). VACATED AND REMANDED; MOTION DENIED. We therefore VACATE the district court's June 21, 2024, order dismissing the complaint, and we REMAND for further proceedings consistent with this opinion. The University's motion for summary affirmance is DENIED as moot re <a href="#">15</a> Notice of Appeal, filed by Rafael Gomez; Date Issued: 5/13/2025; USCA Case Number: 24-12361-DD. (apz) (Entered: 05/13/2025)

10/22/2024	23	Pursuant to 11th Cir. R. 11-2 and 11th Cir. R. 11-3, the Clerk of the District Court for the Southern District of Florida certifies that the record is complete for purposes of this appeal re: <a href="#">15</a> Notice of Appeal, Appeal No. 24-12631-FF. The entire record on appeal is available electronically. (apz) (Entered: 10/22/2024)
10/15/2024	<a href="#">22</a>	Appeal Reinstated USCA Case Number: 24-12361-FF for <a href="#">15</a> Notice of Appeal, filed by Rafael Gomez. (apz) (Entered: 10/15/2024)
09/04/2024	<a href="#">21</a>	ORDER of DISMISSAL from USCA (APPEAL REINSTATED ON 10/15/2024 PER DE <a href="#">22</a> USCA ORDER) for want of prosecution because the appellant Rafael Gomez failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements within the time fixed by the rules re <a href="#">15</a> Notice of Appeal, filed by Rafael Gomez. USCA #24-12361-FF. (apz) Modified text on 10/15/2024 (apz). (Entered: 09/04/2024)
08/05/2024	<a href="#">20</a>	TRANSCRIPT ORDER FORM filed by Rafael Gomez re <a href="#">15</a> Notice of Appeal, filed by Rafael Gomez. No Transcript Requested. (apz) (Entered: 08/06/2024)
08/02/2024	<a href="#">19</a>	TRANSCRIPT ORDER FORM filed by Rafael Gomez re <a href="#">15</a> Notice of Appeal, filed by Rafael Gomez. No Transcript Requested. (apz) (Entered: 08/02/2024)
08/01/2024	<a href="#">18</a>	ORDER denying <a href="#">11</a> Motion to Dismiss. Signed by Judge Melissa Damian on 8/1/2024. <i>See attached document for full details.</i> (drz) (Entered: 08/01/2024)
07/26/2024	<a href="#">17</a>	Acknowledgment of Receipt of NOA from USCA re <a href="#">15</a> Notice of Appeal, filed by Rafael Gomez. Date received by USCA: 7/22/2024. USCA Case Number: 24-12361-D. (apz) (Entered: 07/26/2024)
07/22/2024	<a href="#">16</a>	CLERK'S NOTICE of Mailing Pro Se Instructions to Rafael Gomez re <a href="#">15</a> Notice of Appeal. (apz) (Entered: 07/22/2024)
07/22/2024		Transmission of Notice of Appeal, Order under appeal, and Docket Sheet to US Court of Appeals re <a href="#">15</a> Notice of Appeal, Notice has been electronically mailed. (apz) (Entered: 07/22/2024)
07/19/2024	<a href="#">15</a>	Notice of Appeal (construed from Motion to Appeal Dismissal) re <a href="#">10</a> Order Dismissing/Closing Case by Rafael Gomez. Filing fee \$ 605.00. Receipt#: 289714. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under All Forms and look for Transcript Order Form <a href="http://www.flsd.uscourts.gov/forms/all-forms">www.flsd.uscourts.gov/forms/all-forms</a> . (apz) Modified text on 7/22/2024 (apz). (Entered: 07/22/2024)
07/03/2024	<a href="#">14</a>	Defendant's NOTICE <i>Regarding Status of Service of Process</i> by University Of Miami re <a href="#">10</a> Order Dismissing/Closing Case (Yannuzzi, Christopher) (Entered: 07/03/2024)
07/03/2024	<a href="#">13</a>	NOTICE of Attorney Appearance by Christopher Michael Yannuzzi on behalf of University Of Miami. Attorney Christopher Michael Yannuzzi added to party University Of Miami(pty:dft). (Yannuzzi, Christopher) (Entered: 07/03/2024)
07/03/2024	<a href="#">12</a>	NOTICE of Attorney Appearance by Eric David Isicoff on behalf of University Of Miami. Attorney Eric David Isicoff added to party University Of Miami(pty:dft). (Isicoff, Eric) (Entered: 07/03/2024)

07/03/2024	 <a href="#">11</a>	Defendant's MOTION TO DISMISS <a href="#">1</a> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM by University Of Miami. Attorney Teresa Ragatz added to party University Of Miami(pty:dft). Responses due by 7/17/2024. (Attachments: # <a href="#">1</a> Exhibit A - COVID-19 Policy, # <a href="#">2</a> Exhibit B - EEOC Response to FOIA Request, # <a href="#">3</a> Exhibit C - August 24, 2021 e-mails, # <a href="#">4</a> Exhibit D - September 14-17, 2021 e-mails, # <a href="#">5</a> Exhibit F - October 14, 2021 EEOC Charge, # <a href="#">6</a> Exhibit F - December 6, 2021 Letter to HR, # <a href="#">7</a> Exhibit G - February 4, 2022 EEOC Charge, # <a href="#">8</a> Exhibit H - University's January 19, 2022 Letter, # <a href="#">9</a> Exhibit I - University's February 8, 2022 Notice of Termination, # <a href="#">10</a> Exhibit J - Gomez's Appeal Documents, # <a href="#">11</a> Exhibit K - University's April 1, 2022 Letter, # <a href="#">12</a> Exhibit L - EEOC Right-to-Sue Letter)(Ragatz, Teresa) (Entered: 07/03/2024)
06/21/2024	<a href="#">10</a>	ORDER Dismissing Case / Closing Case. ( <i>Without Prejudice</i> ) Signed by Judge Melissa Damian on 6/21/2024. <i>See attached document for full details.</i> (drz) (Entered: 06/21/2024)
06/11/2024	<a href="#">9</a>	Summons Issued as to University Of Miami. (ls) (Entered: 06/11/2024)
06/10/2024	<a href="#">8</a>	Summons Issued as to University Of Miami. (ls) (Entered: 06/11/2024)
05/24/2024	<a href="#">7</a>	Clerks Notice of Receipt of Filing Fee received on 5/24/2024 in the amount of \$ 405.00, receipt number FLS287101 (jes) (Entered: 05/24/2024)
05/08/2024	<a href="#">6</a>	ORDER Requiring Proof of Service or Show Cause why this Action should not be Dismissed for Failure to Perfect Service of Process. ( Show Cause Response due by 6/12/2024.) Signed by Judge Melissa Damian on 5/8/2024. <i>See attached document for full details.</i> (ls) (Entered: 05/09/2024)
05/06/2024	<a href="#">5</a>	ORDER denying without prejudice <a href="#">3</a> Motion for Leave to Proceed in forma pauperis (short form). On or before 5/24/2024, the petitioner shall file a legally sufficient motion to proceed in forma pauperis (long form), or pay the Clerks filing fee of \$405.00. Signed by Judge Melissa Damian on 5/6/2024. <i>See attached document for full details.</i> (ls) (Entered: 05/06/2024)
03/22/2024	<a href="#">4</a>	ORDER PROVIDING INSTRUCTIONS TO PRO SE LITIGANT Signed by Judge Melissa Damian on 3/22/2024. <i>See attached document for full details.</i> (pcs) (Entered: 03/22/2024)
03/14/2024	<a href="#">3</a>	MOTION for Leave to Proceed in forma pauperis by Rafael Gomez. (mee) (Entered: 03/14/2024)
03/14/2024	2	Clerks Notice of Judge Assignment to Judge Melissa Damian.  Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Alicia O. Valle is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent.  Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (mee) (Entered: 03/14/2024)
03/14/2024	<a href="#">1</a>	Complaint pursuant to 42 USC 1983 against University Of Miami. Filing fee \$ 405.00. IFP Filed, filed by Rafael Gomez. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Civil

