

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF PUERTO RICO**

3 **UNITED STATES OF AMERICA,**

4 **Plaintiff,**

5 **v.**

6 **COMMONWEALTH OF PUERTO RICO,**
7 **et al.,**

8 **Defendants.**

CIVIL NO. 94-2080 (GAG)

9 **Order: Enforcing Order at Docket No. 1533 and Forewarning Commonwealth of**
10 **Contempt and Sanctions**

11 This Court entered an Order on September 28, 2020 requiring the Commonwealth to submit
12 a specific plan to the Court, the Court Monitor, and the United States Department of Justice which
13 identified personnel and contractors “critical to successful implementation of, and compliance with,
14 the Settlement Agreement and subsequent Orders being monitored.” (Docket No. 1533 at 5). The
15 Order contained other requirements designed to minimize disruption to the work being done in this
16 case, and avoid setbacks because of a transitioning government. This Court, as the Commonwealth
17 clearly knows, has entered such orders in its other cases between the U.S. Department of Justice and
18 the Commonwealth. They are not optional; they are orders directing the Defendants in this case to
19 affirmatively take steps to protect the work being done by the Commonwealth to comply with
20 Settlement Agreement to address most serious unconstitutional conditions in its juvenile facilities.

21 The Commonwealth’s response to this Order was due on October 30, 2020. In spite of the
22 Monitor’s informal reminder to counsel, and her Informative Motion Regarding Compliance Issues
23 filed on November 4, 2020, which contained mention of this (Docket No. 1540), the Commonwealth
24 inexcusably failed to comply with this Order.

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1 At the status conference held on November 13, 2020 where the matter was raised, the
2 Commonwealth offered no explanation whatsoever as to why such order had not been complied
3 with, nor asked the Court for additional time to file the response.

4 This Court, given the overall emergency situation of this case, can no longer tolerate, from
5 this administration or the next, missed deadlines, incomplete responses, and ongoing compliance on
6 the same problems for months and years on end. This case must have finality, and this Court will do
7 all that is in its power to address the drastic and non-compliant posture of the Commonwealth as to
8 meeting all judicially imposed mandates.

9 To that end, the Court forewarns the Commonwealth that failure to entirely comply with its
10 Order of September 28, 2020 (Docket No. 1533), shall result in contempt and sanctions, including a
11 monetary fine per day for every day that such response is late, and/or incomplete as to each and
12 every requirements laid out in the Order.

13 **SO ORDERED.**

14 In San Juan, Puerto Rico this 16th of November, 2020.

15 *s/ Gustavo A. Gelpí*
16 GUSTAVO A. GELPI
United States District Judge