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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JERICO MATIAS CRUZ,	)	
	)	
	)	Case No.: 1:22-cv-01858
Plaintiff,	)	
	)	
v.	)	Judge Matthew F. Kennelly
	)	
CITY COLLEGES OF CHICAGO et al.,	)	
	)	
Defendant(s).	)	
	)	

**PRO SE PLAINTIFF JERICO MATIAS CRUZ'S MOTION TO COMPEL CITY COLLEGES OF CHICAGO et al. IN PARTICULAR WITH DEFENDANT JEFFREY SCHMITZ'S ZOOM MEETING VIDEOS BETWEEN AUGUST 30, 2021 AND DECEMBER 15, 2021, DEFENDANT JEFFREY SCHMITZ'S SYLLABUS FOR ENGINEERING PHYSICS II DURING 2021 FALL SEMESTER, AND FINAL EXAMINATION RESULTS OF ALL STUDENTS OF DEFENDANT JEFFREY SCHMITZ DURING 2021 FALL SEMESTER PURSUANT TO FED. R. CIV. P. 7(b)(1) AND 27(a)(2)(A)**

NOW COMES pro se Plaintiff Jerico Matias Cruz moves this district court with motion to compel Defendants City Colleges of Chicago et al. in particular with Defendant Jeffrey Schmitz's Zoom meeting videos between August 30, 2021 and December 15, 2021, Defendant Jeffrey Schmitz's Syllabus for Engineering Physics II during 2021 Fall semester, and final examination results of all students of Defendant Jeffrey Schmitz during 2021 Fall semester pursuant to Fed. R. Civ. P. 7(b)(1) and 27(a)(2)(A), in support thereof, and states as follows:

## BACKGROUND

1. Pro Se Plaintiff Jerico Matias Cruz's scheduled appointments from January 2021 to December 2021 are canceled and rescheduled appointments from 2019 and 2020 scheduled appointments, while he is under the Compensated Work Therapy ("CWT") program at the Jesse Brown Veterans Affairs Medical Center, which is located at 810 S Damen Ave, Chicago, Illinois 60612, during the COVID-19 Pandemic; however, the definition of compensated does not mean pro se Plaintiff Jerico Matias Cruz is being compensated whenever pro se Plaintiff Jerico Matias Cruz has a scheduled appointment at the Jesse Brown Veterans Affairs Medical Center between January 2021 and December 2021; *Jesse Brown Veterans Affairs Medical Center reimburses all travel expenses and meal expenses of pro se Plaintiff Jerico Matias Cruz per scheduled appointment in courtesy of his military service to the United States Army Special Operations, United States Army, United States Army Reserve, and the Illinois Army National Guard for more than 10 years. See Exhibit D.*
2. Prior to 2021 Fall Semester, pro se Plaintiff Jerico Matias Cruz has completed the prerequisites courses for Engineering Physics II, such as Calculus I and II, and Engineering Physics I with Laboratory. *See Dkt.1, Original Complaint's Exhibit F.*
3. On or about May 2009, pro se Plaintiff Jerico Matias Cruz completes his Bachelor of Arts in Economics from Northeastern Illinois University.

4. On or about August 2011, pro se Plaintiff Jerico Matias Cruz completes his post-baccalaureate studies or graduate studies of 40-semester credit hours from University of Illinois at Urbana-Champaign, specializing in Master of Science in Policy Economics.
5. On or about May 2015, pro se Plaintiff Jerico Matias Cruz is a non-degree seeking student but has been awarded by Harry S. Truman College - City Colleges of Chicago, with Associate Degree.
6. On or about February 5, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - biofeedback at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
7. On or about February 19, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
8. On or about February 22, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with neuropsychology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
9. On or about March 5, 2021 at 10:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
10. On or about March 9, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz

has a scheduled appointment with ear, nose and throat clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

11. On or about March 10, 2021 at 10:20 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with specialty clinic - sleep at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

12. On or about May 7, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - biofeedback at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

13. On or about May 12, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

14. On or about May 12, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has an emergency with red clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

15. On or about May 13, 2021 at 11:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with neuropsychology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

16. On or about May 17, 2021, the Illinois Governor's Executive Order 2021-10 reiterates and enumerates the requirements for places of public accommodation, such as, schools, libraries, hospitals and other publicly-funded governmental

entities in the State of Illinois. *See Exhibit E.*

17. On or about May 19, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with ear, nose and throat clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

18. On or about June 11, 2021 at 12:30 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

19. On or about June 16, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

20. On or about June 25, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dermatology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

21. On or about June 30, 2021 at 11:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with audiology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

22. On or about July 6, 2021 at 10:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with specialty clinic - sleep at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

23. On or about July 14, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has

a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

24. On or about July 16, 2021 at 12:30 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

25. On or about July 27, 2021 at 11:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with specialty clinic - sleep at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

26. On or about July 31, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with his primary provider or doctor at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

27. On or about August 17, 2021 at 8:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with audiology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

28. On or about August 30, 2021, Defendants City Colleges of Chicago et al. have listed Defendant Jeffrey Schmitz's Engineering Physics II, Physics 236, Catalog Nos. 30094 and 30095 , Sections OQS & OQSX - Engineering Physics II: Electricity & Magnetism plus Laboratory for 2021 Fall Semester, as "Off-Campus Buildings Zoom" for the location of the class and as the "Class Notes" states, "This class will be held remotely as the scheduled class time. Students should

plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule.

Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus.” *See Exhibit F.*

29. On or about August 30, 2021 at 6:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled Zoom class for Engineering Physics II with Defendant Jeffrey Schmitz as specifically stated in Engineering Physics II’s Syllabus for 2021 Fall Semester; Defendant Jeffrey Schmitz’s Zoom class for Engineering Physics II is video-recorded between August 30, 2021 and December 13, 2021. *See Exhibit C.*

30. On or about August 31, 2021 at 8:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual therapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

31. On or about September 10, 2021 at approximately 7:00 PM CST, pro se Plaintiff Jerico Matias Cruz is physically and medically transported by the City of Chicago Department of Fire EMS or Paramedics to the Department of Emergency of the Jesse Brown Veterans Affairs Medical Center. *See Exhibit B.*

32. On or about September 14, 2021 at 12:52 PM CST, the United States Department of Veterans Affairs, Benefits Veterans Administration, Education Benefits-Post 9/11 GI Bill, automatically emails (via [va-once@vba.va.gov](mailto:va-once@vba.va.gov)) pro se Jerico Matias Cruz about the certification of Engineering Physics II on behalf of the certifying

official or financial aid officer at the Defendant City Colleges of Chicago - Wilbur Wright College. *See* Dkt.1, Original Complaint's Exhibit G.

33. On or about September 21, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment mental health clinic - individual therapy session at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

34. On or about September 22, 2021, pro se Plaintiff Jerico Matias Cruz sends an electronic mail ("Email") to Mrs. Sophie Levandowski, the Director of Disability Access Center at the Defendant City Colleges of Chicago - Wilbur Wright College, about request for academic accommodation due to "unexpected legal and medical events". *See* Dkt.1, Original Complaint's Exhibit B.

35. On or about September 29, 2021 at 6:05 PM CST with Submission ID: 1827377, pro se Plaintiff Jerico Matias Cruz completes his first virtual laboratory entitled "Electrostatics Lab" and timely submits it to the Defendant City Colleges of Chicago's BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from [www.cengage.com](http://www.cengage.com) between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint's Exhibit D.

36. On or about October 1, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown



Veterans Affairs Medical Center. *See* Exhibit A.

37. On or about October 3, 2021, pro se Plaintiff Jerico Matias Cruz has accessed to Cengage WebAssign upon purchasing the required textbook entitled “Webassign Instant Access for Serway/Jewett’s Physics for Scientists and Engineers,” Single-Term, 10th Edition, with ISBN-13: 978-1-337-69928-0, Digital, with Order No. 2569856708486, and with a total cost of \$100.00 from [www.cengage.com](http://www.cengage.com). *See* Dkt.1, Original Complaint’s Exhibit D.
38. On or about October 3, 2021 at 2:44 PM CST with Submission ID: 1838067, pro se Plaintiff Jerico Matias Cruz completes Engineering Physics II’s Examination No. 1 and timely submits it to Defendant City Colleges of Chicago’s BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from [www.cengage.com](http://www.cengage.com) upon completion of his Engineering Physics II’s Examination No. 1. *See* Dkt.1, Original Complaint’s Exhibit D.
39. On or about October 8, 2021 at 8:30 AM CST, pro se Plaintiff Jerico Matias Cruz has an emergency with red clinic by phone at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.
40. On or about October 8, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown

Veterans Affairs Medical Center. *See* Exhibit A.

41. On or about October 8, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz

has a scheduled appointment with chiropractor clinic at the Jesse Brown

Veterans Affairs Medical Center. *See* Exhibit A.

42. On or about October 8, 2021 at 4:41 PM CST, pro se Plaintiff Jerico Matias Cruz

has an emergency at the Jesse Brown Veterans Affairs Medical Center. *See*

Exhibit A.

43. On or about October 12, 2021, Ms. Leilani Mota, the Coordinator of the Disability

Access Center at the Defendant City Colleges of Chicago - Wilbur Wright College,

emails and attaches the approved Letter of Accommodation for 2021 Fall

Semester to pro se Plaintiff Jerico Matias Cruz's CCC Student Email,

jcruz156@student.ccc.edu, on behalf of Mrs. Sophie Levandowski, cc' to her

email. *See* Dkt.1, Original Complaint's Exhibit B.

44. On or about October 19, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz

has a scheduled appointment with physical therapy clinic at the Jesse Brown

Veterans Affairs Medical Center. *See* Exhibit A.

45. On or about October 27, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz

has a scheduled appointment with mental health clinic - individual

psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See*

Exhibit A.

46. On or about October 28, 2021 at 1:30 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
47. On or about October 29, 2021 at 3:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
48. On or about October 30, 2021 at 1:06 AM CST with Submission ID:1937690, pro se Plaintiff Jerico Matias Cruz completes his second virtual laboratory entitled “Charges and Field Lab” and timely submits it to the Defendant City Colleges of Chicago’s BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from [www.cengage.com](http://www.cengage.com) between August 30, 2021 and October 3, 2021. *See Dkt.1, Original Complaint’s Exhibit D.*
49. On or about October 30, 2021 at 1:14 PM CST with Submission ID: 1937697, pro se Plaintiff Jerico Matias Cruz completes his third virtual laboratory entitled “Parallel and Series Lab” and timely submits it to the Defendant City Colleges of Chicago’s BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from

[www.cengage.com](http://www.cengage.com) between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint's Exhibit D.

50. On or about October 31, 2021 at 9:57 PM CST with Submission ID: 1941576, pro se Plaintiff Jerico Matias Cruz completes Engineering Physics II's Examination No. 2 and timely submits it to Defendant City Colleges of Chicago's BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from [www.cengage.com](http://www.cengage.com) between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint's Exhibit D.

51. On or about November 2, 2021 at 3:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

52. On or about November 3, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

53. On or about November 12, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has missed his scheduled appointment with physical therapy clinic at the Jesse Brown Veterans Affairs Medical Center and needs to reschedule it. *See* Exhibit A.

54. On or about November 24, 2021 at 7:12 PM CST with Submission ID: 2028187, pro se Plaintiff Jerico Matias Cruz completes Engineering Physics II's Examination No. 3, which is a final comprehensive exam, and timely submits it to Defendant City Colleges of Chicago's BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from [www.cengage.com](http://www.cengage.com) between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint's Exhibit D.
55. On or about December 2, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.
56. On or about December 8, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment mental health clinic - individual therapy session at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.
57. On or about December 13, 2021, pro se Plaintiff Jerico Matias Cruz and his classmates takes Defendant Jeffrey Schmitz's Departmental Final Exam on setup on Defendant City Colleges of Chicago - Wilbur Wright College's BrightSpace Departmental Final Exam, which is a comprehensive examination of Engineering Physics II between Chapters 22 and 32 of Cengage WebAssign's textbook: Physics for Scientists and Engineers with Modern Physics, 10th Edition by

Serway & Jewett with ISBN-13: 978-1-337-69928-0. Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester has the same edition but different ISBN number. *See* Dkt.1, Original Complaint's Exhibit D; Exhibit C.

58. On or about December 20, 2021 at 12:20 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment dermatology clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

59. On or about January 16, 2022, pro se Plaintiff Jerico Matias Cruz submits the final grade appeal to Defendant City Colleges of Chicago - Wilbur Wright College, Department of Physical Science and Engineering for Engineering Physics II, Physics 236, Catalog Nos. 30094 and 30095 , Sections OQS & OQSX - Engineering Physics II: Electricity & Magnetism plus Laboratory, and for 2021 Fall Semester. *See* Dkt.1, Original Complaint, Exhibit A.

60. On or about February 8, 2022, Defendant Jeffrey Schmitz denies pro se Plaintiff Jerico Matias Cruz's final grade appeal with misspelled First Name, which is questionable, whether this signature is enforceable, voidable, or void under civil contract law. *See* Dkt.1, Original Complaint's Exhibit A.

61. On or about February 11, 2022, Defendant Soma Dey neither denies nor approves pro se Plaintiff Jerico Matias Cruz's final grade appeal, and no signature is visible on pro se Plaintiff Jerico Matias Cruz's final grade appeal form. *See* Dkt.1, Original Complaint's Exhibit A.

62. On or about February 11, 2022, Defendant Gabe Estill signs pro se Plaintiff Jerico Matias Cruz's final grade appeal form, but Defendant Gabe Estill includes "on behalf of Soma Dey," which is not true; Defendant Gabe Estill can sign pro se Plaintiff Jerico Matias Cruz's final grade appeal form with or without Defendant Soma Dey. *See* Dkt.1, Original Complaint's Exhibit A.
63. On or about February 25, 2022, Defendant Pamela Monaco denies pro se Plaintiff Jerico Matias Cruz's final grade appeal. *See* Dkt.1, Original Complaint's Exhibit A.
64. On or about April 8, 2022, pro se Plaintiff Jerico Matias Cruz electronically files his complaint for violation of constitutional rights in particular with educational opportunities discrimination against Defendants City Colleges of Chicago et al. to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division via email. Dkt.1.
65. On or about April 8, 2022, pro se Plaintiff Jerico Matias Cruz electronically files his application to proceed in forma pauperis to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, via Email. Dkt.3.
66. On or about April 11, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, assigns this federal civil rights case to the Honorable Matthew F. Kennelly, Judge, Presiding. Dkt.5.
67. On or about September 26, 2022, Honorable Matthew F. Kennelly, Judge,

Presiding, grants pro se Plaintiff Jerico Matias Cruz's application to proceed in forma pauperis, and dismisses Defendants Jeffrey Schmitz, Soma Dey, Gabe Estill, and Pamela Monaco; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to serve the summons to Juan Salgado, Chancellor of City Colleges of Chicago; the United States Marshals Service is appointed to serve the summons and complaint; and pro se Plaintiff Jerico Matias Cruz is directed to return a signed and dated USM-285 form sent by the United States Marshals Service. Dkt.5.

68. On or about September 26, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, has formally filed pro se Plaintiff Jerico Matias Cruz's complaint for violation of constitutional rights in particular with educational opportunities discrimination. Dkt.7.

69. On or about September 27, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, issues summons and certified copy of the court order to serve the summons and complaint to Defendant City Colleges of Chicago. Dkt.7.

70. On or about October 14, 2022, pro se Plaintiff Jerico Matias Cruz electronically files a motion to vacate the dismissal judgment of Defendants Jeffrey Schmitz, Soma Dey, Gabe Estill, and Pamela Monaco entered on September 27, 2022. Dkt.8.



71. On or about October 15, 2022, Honorable Matthew F. Kennelly denies pro se Plaintiff Jerico Matias Cruz's motion to vacate against individual Defendants Jeffrey Schmitz, Soma Dey, Gabe Estill, and Pamela Monaco entered on September 27, 2022, but the claim against Defendant City Colleges of Chicago remains. Dkt.10.
72. On or about November 23, 2022, Honorable Matthew F. Kennelly enters a court order to cancel the telephonic hearing set for November 29, 2022 and to dismiss the entire federal civil rights case due to the denial of motion to reconsider. Dkt.11.
73. On or about December 2, 2022, pro se Plaintiff Jerico Matias Cruz files a notice of appeal in-person to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division. Dkt.12.
74. On or about December 2, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, transmit the short record on appeal on notice of appeal to the Clerk of the United States Court of Appeals for the Seventh Circuit. Dkt.14.
75. On or about December 6, 2022, the Clerk of the United States Court of Appeal for the Seventh Circuit has acknowledged the short record on appeal on notice of appeal, with USCA Case No. 22-3186. Dkt.15.
76. On or about December 7, 2022, the Clerk of the United States District Court for

the Northern District of Illinois, Eastern Division receives a copy of the court order from the Clerk of the United States Court of Appeals for the Seventh Circuit for the following: “Pro Se Plaintiff Jerico Matias Cruz shall file a brief of memorandum before or on December 21, 2022, stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b) will satisfy the requirement. Briefing shall be suspended pending further court order. The Clerk is further ordered to provide a copy of this order to District Court Judge Kennelly in light of the District Court Docket entry no. 11. Dkt.16.

77. On or about December 9, 2022, Honorable Matthew F. Kennelly enters a court order, admitting that this federal civil rights case has been erroneously closed even though pro se Plaintiff Jerico Matias Cruz’s claims against Defendant City Colleges of Chicago are still pending; the Clerk of the United States District Court for the Northern District Court, Eastern Division, is hereby directed to reopen the case; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to issue alias summons to Juan Salgado - Chancellor of City Colleges of Chicago; the United States Marshals Service is appointed to serve Defendant Juan Salgado -Chancellor of City Colleges of Chicago; pro se Plaintiff Jerico Matias Cruz is directed to return any signed and dated USM-285 form sent by the United States Marshals Service; and

the case is set for telephonic status hearing on February 8, 2023 at 8:50 CST, with call-in number: 1-888-684-8852, and access code: 746-1053. Dkt.17.

78. On or about December 13, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, issues an alias summons to Defendant City Colleges of Chicago. Dkt.17.

79. On or about December 29, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, issues an annual reminder to any governmental party, other than an individual or sole proprietorship, must file a statement identifying all its affiliates known to the party after diligent review, or if the party has identified no affiliates, then a statement reflecting that fact must be filed pursuant to L.R. 3.2. Dkt.18.

80. On or about February 8, 2023, Honorable Matthew F. Kennelly enters a court order and directs pro se Plaintiff Jerico Matias Cruz to show cause why the case should not be dismissed for want of prosecution; pro se Plaintiff Jerico Matias Cruz has a scheduling conflict of why he fails to appear during the telephonic hearing status; and the case is set for telephonic hearing on the order to show cause on February 21, 2021 at 9:00 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.19.

81. On or about February 21, 2023, the telephonic hearing status is held at 9:00 AM CST; pro se Plaintiff Jerico Matias Cruz appears during the telephonic hearing

status and informs the Honorable Matthew F. Kennelly about the completion of USM-285 form, signed and dated; Honorable Matthew F. Kennelly enters a court order to vacate the order to show cause; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to forward the completed USM-285 form and alias summons to the United States Marshals Service; and the case is set for telephonic status hearing on April 6, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.23.

82. On or about April 7, 2023, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, electronically mails a copy of the court order, dated April 6, 2023, to the United States Marshals Service. Dkt.23.

83. On or about May 1, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to direct the United States Marshals Service to report to the Honorable Matthew F. Kennelly, Judge, Presiding, regarding the service of summons before or on May 8, 2023; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to forward the completed USM-285 form, signed and dated, for Defendant City Colleges of Chicago to the Office of the United States Marshals Service; and the telephonic status hearing is set for May 16, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.24.

84. On or about May 16, 2023, Honorable Matthew F. Kennelly, Judge, Presiding,

enters a court order to continue the telephonic status hearing on June 16, 2023 at 8:50 AM CST; and pro se Plaintiff Jerico Matias Cruz appears at the telephonic status hearing, which is held on May 16, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.25.

85. On or about June 12, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to change the time of telephonic hearing status, which will be held on June 16, 2023 at 9:15 AM CST. Dkt.26.

86. On or about June 16, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to inform the United States Marshals Service about the status of the service of summons that has not been served, but the service of summons is being processed; the telephonic status hearing is set for July 24, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.27.

87. On or about July 24, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to direct the United States Marshals Service to file a written report about the service of summons before or on August 7, 2023; and pro se Plaintiff Jerico Matias Cruz appears in the telephonic hearing status, which is held on July 24, 2023 at 8:45 AM CST. Dkt.28.

88. On or about August 24, 2023, Honorable Matthew F. Kennelly enters a court order and continues the telephonic status hearing today until September 26,

2023 at 8:50 AM CST, with call-in number 1-888-684-8852 and access code 746-1053; and pro se Plaintiff Jerico Matias Cruz appears to the telephonic status hearing on August 24, 2023. Dkt.29.

89. On or about September 9, 2023, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, has docketed the summons returned executed by the United States Marshals Service as to the Defendant City Colleges of Chicago. Dkt.30.

90. On or about September 13, 2023, Atty. Heather R.M. Becker appears on behalf of Defendant City Colleges of Chicago. Dkt.31.

91. On or about September 13, 2023, Atty. Marron Ann Mahoney appears on behalf of Defendant City Colleges of Chicago. Dkt.32.

92. On or about September 20, 2023, Honorable Matthew F. Kennely, Judge, Presiding, has vacated the telephonic status hearing, which will be held on September 26, 2023 at 8:50 AM CST, and resets date and time to October 4, 2023 at 9:10 AM CST, with call-in number 1-888-684-8852 and access code 746-1053, due to the fact that Defendant City Colleges of Chicago's answer to pro se Plaintiff Jerico Matias Cruz's complaint for violation of constitutional rights in particular with educational opportunities discrimination is not due until September 27, 2023. Dkt.33.

93. On or about September 27, 2023, Defendant City Colleges of Chicago

electronically files a motion to dismiss for failure to state a claim. Dkt.34.

94. On or about September 27, 2023, Defendant City Colleges of Chicago electronically files a law of memorandum in support of motion to dismiss. Dkt.35.

95. On or about October 4, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, held a telephonic status hearing, issues a court order and briefs the following: (1) Pro Se Plaintiff Jerico Matias Cruz's response to Defendants City Colleges of Chicago et al.'s motion to dismiss is due before or on November 1, 2023; Defendants City Colleges of Chicago et al.'s reply to pro se Plaintiff Jerico Matias Cruz's response is due before or on November 15, 2023; and this civil case is set for a telephonic status hearing on December 4, 2023 at 8:50 AM CST with call-in number: 1-888-684-8852, and access code: 746-1053. Dkt.36.

96. Pro Se Plaintiff Jerico Matias Cruz's response to Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 7(a)(7) and Section 504 of the Rehabilitation Act of 1973. Dkt.37.

97. On or about November 15, 2023, Defendants City Colleges of Chicago et al.'s reply to pro se Plaintiff Jerico Matias Cruz's response to Defendants City Colleges of Chicago et al.'s motion to dismiss. Dkt.39.

98. On or about December 4, 2023, Honorable Matthew F. Kennelly held a telephonic status hearing, issues a court order, and this civil case is set for telephonic status

hearing on December 14, 2023 at 8:40 AM CST with call-in number:

1-888-684-8852, and access code: 746-1053.

### ARGUMENT

**I. Pursuant to Fed. R. Civ. P. 7(b)(1), pro se Plaintiff Jerico Matias Cruz's motion to compel is in writing, states with particularity the grounds for seeking the order and the relief sought to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division.**

99. Pro Se Plaintiff Jerico Matias Cruz's motion to compel is in writing, states the particularity the grounds for seeking the order and the relief sought, such as compelling Defendants City Colleges of Chicago et al. in particular with Defendant Jeffrey Schmitz's Zoom meeting videos between August 30, 2021 and December 15, 2021, Defendant Jeffrey Schmitz's Syllabus for Engineering Physics II during 2021 Fall semester, and final examination results of all students of Defendant Jeffrey Schmitz during 2021 Fall semester. Otherwise, the Honorable Matthew F. Kennelly, Judge, Presiding, can subpoena to compel these requested records from Defendant City Colleges of Chicago et al. only if this civil case goes into trial conference. Therefore, pro se Plaintiff Jerico Matias Cruz's motion to compel deems properly filed into the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division pursuant to Fed. R. Civ. P. 7(b)(1).



“A request for a court order must be made by motion. The motion must be in writing unless made during a hearing or trial, states with particularity the grounds for seeking the order, and states the relief sought.” Fed. R. Civ. P. 7(b)(1).

**II. Pursuant to Fed. R. Civ. P. 27(a)(2)(A), pro se Plaintiff Jerico Matias Cruz’s states the particularity of the grounds of his motion to compel and the relief sought, as required by Fed. R. Civ. P. 7(b)(1), and a legal argument.**

100. Pro Se Plaintiff Jerico Matias Cruz’s motion to compel states, otherwise, the particularity of the grounds and relief sought, and a legal argument to support it. For instance, Defendants City Colleges of Chicago et al. have never included in their argument and prima facie evidence of: (1) Defendant Jeffrey Schmitz’s Zoom meeting videos between August 30, 2021 and December 15, 2021 in support of their motion to dismiss for failure to state claim; (2) Defendant Jeffrey Schmitz’s Syllabus for Engineering Physics II during 2021 Fall semester in their reply, dated November 15, 2023, as pro se Plaintiff Jerico Matias Cruz’s response to Defendants City Colleges of Chicago et al. argues with unprofessional and disorganized contents of the Syllabus for Engineering Physics II of Defendant Jeffrey Schmitz during 2021 Fall semester; and (3) the final examination results of all students of Defendant Jeffrey Schmitz during 2021 Fall semester, which will reveal the instructional competency of Defendant Jeffrey Schmitz, whether his community college students have learned from Defendant Jeffrey Schmitz during the remote class during the COVID-19 Pandemic or not. Therefore, pro se

Plaintiff Jerico Matias Cruz's motion to compel states the particularity of the grounds and the relief sought, and supporting legal argument to release the requested records during the pre-trial conference or otherwise subpoena to compel the requested records only if this civil case goes into trial conference pursuant to Fed. R. Civ. P. 27(a)(2)(A).

"A motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it." Fed. R. Civ. P. 27(a)(2)(A).

### **CONCLUSION**

WHEREFORE, pro se Plaintiff Jerico Matias Cruz prays to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, and Honorable Matthew F. Kennelly, Judge, Presiding, to grant pro se Plaintiff Jerico Matias Cruz's motion to compel Defendants City Colleges of Chicago et al. in particular with Defendant Jeffrey Schmitz's Zoom meeting videos between August 30, 2021 and December 15, 2021, Defendant Jeffrey Schmitz's Syllabus for Engineering Physics II during 2021 Fall semester, and final examination results of all students of Defendant Jeffrey Schmitz during 2021 Fall semester pursuant to Fed. R. Civ. P. 7(b)(1) and 27(a)(2)(A).

I, pro se Plaintiff Jerico Matias Cruz, declare under the penalty of perjury that the foregoing is true and correct.

Dated: December 8, 2023

Respectfully Submitted by,

/s/ Jerico Matias Cruz

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