

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted November 21, 2023*

Decided November 29, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-1599

JERICO MATIAS CRUZ
Plaintiff-Appellant,

v.

STATE OF ILLINOIS
Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 20 C 07659

Jorge L. Alonso,
Judge.

* The defendant-appellee was not served with process and is not participating in this appeal. We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

ORDER

Jerico Matias Cruz appeals the dismissal of his employment discrimination lawsuit challenging a testing requirement of the Illinois State Police. Because he does not present any ground for reversal, we dismiss the appeal.

Cruz sued the State of Illinois after receiving a notification that his application for an antiterrorism trainee position with the Illinois State Police required him to sit for an exam. He alleged that the Department of Central Management Services, which is the department in charge of the state's hiring policies, discriminated against him based on his race, color, religion, sex, or national origin by not excusing him from the exam although he had submitted his application before the requirement was in place.

After the district court dismissed his original complaint for failing to state a claim against a proper defendant, Cruz submitted an amended complaint that continued to name the State of Illinois as the only defendant in the caption. Upon screening the complaint again, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), the court informed Cruz that either the Department or the Illinois State Police, which Cruz mentioned in the body of his amended complaint, could be the proper defendant, but the court would not select the targeted entity for him. The court then dismissed the complaint without prejudice and allowed Cruz 28 days to file a second amended complaint. The court warned Cruz that if he failed to comply, it would dismiss the case.

The deadline for filing a second amended complaint came and went, and months later, the court dismissed Cruz's suit for failure to comply with its earlier order and lack of prosecution. *See* FED. R. CIV. P. 41(b). Cruz filed a motion to vacate, explaining that he had been occupied with campaign operations for his bid for a seat in the United States House of Representatives. The court denied the motion on the ground that Cruz's lack of diligence was not an exceptional circumstance that justified relief, *see Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc.*, 570 F.3d 845, 848 (7th Cir. 2009).

Cruz appeals, but he does not contend that the district court erred in dismissing his suit based on noncompliance with its order or failure to prosecute; thus, he forfeits any such argument. *See Webster v. CDI Indiana*, 917 F.3d 574, 578 (7th Cir. 2019). Although we construe pro se filings liberally, the appellate brief must contain an argument that addresses the district court's rulings and provides reasons for reversal. FED. R. CIV. P. 28(a)(8)(A). *See Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). Cruz does not give us any argument to consider, and so we dismiss the appeal.

Cruz has a history of frivolous litigation that recently led the Executive Committee of the Northern District of Illinois to impose a filing bar. *See In re Cruz*, No. 23-C-3115 (N.D. Ill. July 18, 2023). This is just one of the frivolous appeals Cruz has brought in this court, and we previously advised him that appellants must present arguments addressing the reasons they lost in the district court. *See, e.g., Cruz v. Illinois*, No. 22-3182, 2023 WL 3172182 (7th Cir. 2023) *reh'g denied*, No. 22-3182, 2023 WL 3725196 (7th Cir. 2023). Cruz has not heeded our instruction or indicated that his frivolous filings will cease. We thus revoke the leave previously granted to Cruz to litigate this appeal in forma pauperis (that is, without prepaying the filing fee). *See In re City of Chicago*, 500 F.3d 582, 583 (7th Cir. 2007); *Campbell v. Clarke*, 481 F.3d 967, 969–70 (7th Cir. 2007); *see also Ammons v. Gerlinger*, 547 F.3d 724, 726 (7th Cir. 2008). For all other cases that Cruz has in this circuit or in its district courts, we likewise order him to pay now whatever filing fees remain outstanding. *See In re Chicago*, 500 F.3d at 583. Finally, to prevent future abuse from Cruz and regardless of payments that Cruz may make to comply with this order, we revoke his privilege of litigating new suits or appeals in forma pauperis in any court of this circuit. *See* 28 U.S.C. § 1915(a)(3); *Martin v. District of Columbia Ct. of Appeals*, 506 U.S. 1 (1992)). *See also, e.g., Gakuba v. Ill. Prisoner Rev. Bd.*, 143 S. Ct. 641 (2023); *Gakuba v. Dodd*, 143 S. Ct. 629 (2023) (revoking in forma pauperis status for repeated abuse). We instruct the clerk of this court and the clerks of the district courts of this circuit not to docket any new suits or appeals from Cruz in noncriminal matters unless he pays the docketing fee first. *See Gakuba*, 143 S. Ct. at 641.

DISMISSED