

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

Gloria Carolina Manzo-Hernandez,
Victor Zepeta-Jasso,
Moises Amadeo Mancia-Mendoza,
Mercy Rocio Duchi-Vargas,
Jatzeel Antonio Cuevas-Cortes,
Victor Manuel Nuñez-Hernandez,

Petitioners,

v.

Warden Omar Juarez, *in his official capacity*,
Respondent.

Civil Action No. 20-cv-

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY RELIEF**

Petitioners are currently detained by the federal government without having received any process mandated by federal law and the Constitution. For as many as six months, and for all Petitioners at least three months, they have been detained by the United States Marshal's Service at La Salle County Regional Detention Center to serve as witnesses, aiding the federal government in the prosecution of human smuggling. Petitioners' automatic and unlimited detention—without critical individual findings or any hearing whatsoever—violates the core tenets of the Material Witness Statute, 18 U.S.C. § 3144 (the "Statute"), and the Constitution. Petitioners' detention orders issued pursuant thereto are so deficient as to render them null. The Statute, Constitution, and the interests of justice require immediate relief.

In asserting their own rights, Petitioners wish to stand for others as well. Approximately 139 people are currently detained at La Salle. Without exception, all of these witnesses have been ordered detained without the required findings and processes, subject to criminal proceedings outside of their control, and ultimately deprived of their right to liberty.

This Petition for Habeas Corpus and Complaint for Declaratory Relief seeks relief for Petitioners individually and on behalf of all others similarly situated. Petitioners and putative class members seek their immediate release, as well as declaratory relief. A failure to enforce the procedures Petitioners seek would violate not only federal statutes, but also core principles of constitutional liberty and due process. Detention as a material witness requires that courts engage in an individualized determination as to whether there is justification for their detention, including whether conditional release could secure the witness's appearance at trial, whether witnesses can pay money bond, and, as a superseding question, whether their testimony could be secured by deposition *in lieu of* conditional release or detention. And courts must test these critical questions by individual, adversarial hearings where witnesses are given proper notice and represented by counsel.

I. Jurisdiction and Venue

1. This case arises under Section 3144 of Title 18 of the United States Code and the Fifth Amendment to the United States Constitution.

2. Jurisdiction is proper under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

3. Venue lies in this District under 28 U.S.C. § 1391(e) because the Respondent resides in this District, and a substantial part of the events or omissions giving rise to Petitioners' claims occurred here.

II. Parties

4. Petitioners are six individuals detained at La Salle County Regional Detention Center in Encinal, Texas. None are charged with any wrongdoing. Instead, they have been selected by federal officers to testify in immigration-related criminal prosecutions alleging human smuggling or harboring.

5. **Petitioner Gloria Carolina Manzo-Hernandez** has been detained at La Salle since March 5, 2020, after her initial arrest on March 3, 2020. Declaration of Gloria Carolina Manzo-Hernandez (“Manzo-Hernandez Decl.”) at ¶¶ 2-3. She is a mother of four, and throughout her ongoing detention her children have taken care of themselves, led by Ms. Manzo-Hernandez’s eldest daughter. Without a hearing, Ms. Manzo-Hernandez was ordered detained pending disposition of criminal proceedings against the driver of a truck. A judge told her she would be detained between 60 to 90 days, and she would have to “wait it out.” *Id.* ¶ 8. According to the judge, neither payment of her automatic \$25,000 bond, nor the assistance of counsel, would secure her release. *Id.* ¶¶ 9-10. Though she has never been asked to—and believes she could not—identify the defendant in her case, and though the defendant was released on unsecured bond in April, Ms. Manzo-Hernandez remains detained.

6. **Petitioner Victor Zepeta-Jasso** has been detained at La Salle since March 16, 2020, following his initial arrest by federal officers on March 12, 2020. Declaration of Victor Zepeta-Jasso (“Zepeta-Jasso Decl.”) at ¶¶ 2, 3. Detained, and without income to fill his commissary account, Mr. Zepeta-Jasso has not spoken to his wife and three young daughters

since his arrest. *Id.* ¶ 12. During Mr. Zepeta-Jasso’s first and only appearance before a judge, the judge explained to him and seven other people that they had been chosen to act as witnesses to federal criminal proceedings, “like a lottery,” and they could not get free until the end of the case. *Id.* ¶¶ 7-8. As such, the judge explained, Mr. Zepeta-Jasso and the others did not need a lawyer. *Id.* Because of the judge’s explanation that counsel would be futile, Mr. Zepeta-Jasso and the other witnesses all declined the appointment of counsel. *Id.* Since the date of his initial appearance, Mr. Zepeta-Jasso has been in the dark as to his fate, suffering deeply by his lack of freedom. *Id.* ¶ 11.

7. **Petitioner Moises Amadeo Mancía-Mendoza** appeared before the same judge and at the same time as Petitioner Zepeta-Jasso, albeit to serve as a witness for an unrelated case. Mr. Mancía-Mendoza has been detained at La Salle since approximately March 14, 2020. He was first arrested by federal officers on March 13, 2020, and quickly transferred to La Salle to serve as a witness to a federal criminal prosecution. Declaration of Moises Amadeo Mancía-Mendoza (“Mancía-Mendoza Decl.”) at ¶¶ 2-3. Though Mr. Mancía-Mendoza fled his native El Salvador for his own safety, immigration officers did not inquire as to Mr. Mancía-Mendoza’s fear of return. *Id.* ¶ 3. Instead, they confirmed he did not have gang tattoos and informed him that he would be detained as a material witness. *Id.* The judge confirmed what the agents and Marshals had told him: he would be detained as a material witness, for at least one month to three months, and perhaps longer. *Id.* ¶ 6. The judge advised that neither a lawyer, nor payment of the automatic \$25,000 bond, could secure his release. *Id.* ¶¶ 7-8. Based on the information given by the judge, Mr. Mancía-Mendoza, alongside seven other witnesses, declined the appointment of counsel. *Id.* ¶ 7. By his detention, he is separated from his young United States-citizen daughter. *Id.* ¶ 10.

8. **Petitioner Mercy Rocio Duchí-Vargas** has been detained at La Salle since January 14, 2020. Immediately following her arrest, Ms. Duchí-Vargas was shown photo lineups of the two defendants in her case, and she could not identify either one. Declaration of Mercy Rocio Duchí-Vargas (“Duchí-Vargas Decl.”) at ¶ 10. Though both defendants were released on unsecured bond in February 2020, *id.* ¶¶ 11, and the lead defendant pleaded guilty on May 21, 2020, *id.* ¶ 15, the case continues, and critical dates have been reset at least four times, *id.* ¶¶ 12-14, 16. On May 27, 2020, the court terminated the final pretrial conference for the remaining defendant, promising to issue a reset. It has not done so. *Id.* ¶ 16. For six months, Ms. Duchí-Vargas has been separated from her husband who is seeking asylum against religious persecution in New York, and her young daughter. *Id.* ¶¶ 19-20.

9. **Petitioner Jatzeel Antonio Cuevas-Cortes** has been detained at La Salle since January 15, 2020. Federal officers arrested Mr. Cuevas-Cortes at the same time as Petitioner Duchí-Vargas, and he is designated and detained as a material witness to the same federal criminal proceeding. Declaration of Jatzeel Antonio Cuevas-Cortes (“Cuevas-Cortes Decl.”) at ¶ 11. As such, Mr. Cuevas-Cortes has likewise suffered detention through several resets, the release of both defendants on unsecured bonds, a guilty plea, and a termination of the final pretrial conference for the remaining defendant. *Id.* ¶¶ 13-15. Mr. Cuevas-Cortes has consistently been told, by government officers, the judge, and his own court-appointed attorney, that there is nothing to do but wait. *Id.* ¶ 10. He has not spoken to his seven-year-old son since he was detained in January. *Id.* ¶ 17.

10. **Petitioner Victor Manuel Nuñez-Hernandez** has been detained at La Salle since March 20, 2020. Declaration of Victor Manuel Nuñez-Hernandez (“Nuñez-Hernandez Decl.”) at ¶ 2. He was arrested by federal officers on March 18, 2020, and transferred to the United States

Marshal's Service, where he was told he would be detained as a material witness to a federal prosecution. *Id.* ¶ 4. Alongside several other witnesses from unrelated proceedings, Mr. Nuñez-Hernandez appeared before a judge for the first and only time on March 20, 2020. *Id.* ¶ 9. The judge informed Mr. Nuñez-Hernandez that he would be detained between one month and 90 days, and that there was no recourse for release before the end of criminal proceedings against the defendant. *Id.* Since that date, no court nor party has contacted Mr. Nuñez-Hernandez. The defendant in whose case Mr. Nuñez-Hernandez is designated to testify was released on \$500 cash deposit on June 5. *Id.* ¶ 11. . Nuñez-Hernandez has spoken only briefly with his three children—twin eight-month-old boys and a three-year-old daughter—since he was arrested in March. *Id.* ¶ 13.

11. **Respondent Omar Juarez** is Warden of the La Salle County Regional Detention Center. In that capacity, and on information and belief pursuant to an Inter-Governmental Service Agreement with the United States Marshal's Service, Respondent is responsible for supervising the detention of Petitioners and putative class members.

III. Factual Background

a. Petitioners Have Been Detained as Material Witnesses without a Critical Findings and without a Hearing.

12. Though the details of each Petitioner's arrest and detention vary, the circumstances leading to their continued detention by Respondent does not.

13. Each Petitioner was initially arrested by agents of the United States Border Patrol. *See* Manzo-Hernandez Decl. at ¶ 3; Zepeta-Jasso Decl. at ¶ 3; Mancia-Mendoza Decl. at ¶ 3; Duchi-Vargas Decl. at ¶ 3; Cuevas-Cortes Decl. at ¶ 3; Nuñez-Hernandez Decl. at ¶ 3.

14. None of the Petitioners have been charged with a crime. Instead, agents requested Petitioners' designation as material witnesses in prosecutions pursuant to 8 U.S.C. § 1324. The

affidavits requesting designation and detention, as well as an included proposed order detaining Petitioners “pending disposition” of criminal proceedings and imposing a \$25,000 bond, are identical except for Petitioners’ names and purported countries of origin. Manzo-Hernandez Decl. at Ex. A; Zepeta-Jasso Decl. at Ex. A; Mancía-Mendoza Decl. at Ex. A; Duchí-Vargas Decl. at Ex. A; Cuevas-Cortes Decl. at Ex. A; Nunez-Hernandez Ex. A.

15. Without a hearing, the court adopted the proposed orders without revision, designating each Petitioner as a material witness, ordering that each be detained pending disposition of criminal proceedings against defendants, and imposing a secure \$25,000 bond. Manzo-Hernandez Decl. at Ex. B; Zepeta-Jasso Decl. at Ex. B; Mancía-Mendoza Decl. at Ex. B; Duchí-Vargas Decl. at Ex. B; Cuevas-Cortes Decl. at Ex. B; Nunez-Hernandez Ex. B. These orders do not include any individual findings as to conditional release, ability to pay a secure \$25,000 bond, or the adequacy of the deposition procedure in lieu of conditional release or detention. *Id.*

16. These orders were issued without a hearing. *See, e.g.*, Manzo-Hernandez Decl. at Ex. C; Zepeta-Jasso Decl. at Ex. C; Mancía-Mendoza Decl. at Ex. C; Duchí-Vargas Decl. at Ex. C; Cuevas-Cortes Decl. at Ex. C; Nunez-Hernandez Ex. C.

17. After the orders were issued, each Petitioner appeared before the court for a similar initial appearance. These were not adversarial or evidentiary hearings, and Petitioners were not represented by counsel. *Id.* (Minute Entries for Initial Appearance of Material Witness). Petitioners appeared alongside witnesses for several unrelated proceedings, in appearances that ranged from only a few minutes to just over 20 minutes. *See, e.g.*, Duchí-Vargas Decl. at Ex. C (5-minute initial appearance); Zepeta-Jasso Decl. at Ex. C (21-minute initial appearance).

18. At these appearances, judges informed Petitioners they would be detained between one and three months, until the end of criminal proceedings, and nothing they could do could secure earlier release. Manzo-Hernandez Decl. at ¶ 8; Zepeta-Jasso Decl. at ¶¶ 7-9; Mancía-Mendoza Decl. at ¶¶ 6-8; Duchí-Vargas Decl. at ¶ 6; Cuevas-Cortes Decl. at ¶¶ 8-10; Nuñez-Hernandez Decl. at ¶ 9. Petitioners Mancía-Mendoza and Zepeta-Jasso declined appointment of counsel based on the judge's comments that a lawyer was not necessary and would not do anything. Mancía-Mendoza Decl. at ¶ 7; Zepeta-Jasso Decl. at ¶¶ 2, 8.

19. Petitioners have not since appeared in court. No party has contacted them or requested their testimony. *See, e.g.*, Manzo-Hernandez Decl. at Ex. C; Zepeta-Jasso Decl. at Ex. C; Mancía-Mendoza Decl. at Ex. C; Duchí-Vargas Decl. at Ex. C; Cuevas-Cortes Decl. at Ex. C; Nunez-Hernandez Ex. C. Petitioners' lawyers have either told them that there is nothing they can do but wait, Duchí-Vargas Decl. at ¶ 17; Cuevas-Cortes Decl. at ¶ 10, or have never spoken to them at all, Manzo-Hernandez Decl. at ¶ 10; Nuñez-Hernandez Decl. at ¶ 9.

20. The three months to six months Petitioners have already been detained have taken a substantial toll on their mental, emotional, and physical health. "People are sick with depression and physical illness, and [they] all feel there is nothing [they] can do." Duchí-Vargas Decl. at ¶ 8. The length of detention and uncertainty surrounding when they will be released creates what is routinely described as desperation. *See, e.g.*, Zepeta-Jasso Decl. at ¶ 11. They are locked up, worried about the families they cannot see or even speak to. Struggling through conditions like insufficient food, and the impossibility of placing calls to their family, they are experiencing deep emotional and physical trauma. Cuevas-Cortes Decl. at ¶¶ 16-18 (describing persistent hunger, dizziness and light-headedness, an inability to afford phone calls to his seven-year-old son, and a persistent depression).

21. Enduring this indefinite detention without due process during the COVID-19 pandemic, with the attendant risk of infection, has exacerbated the harms imposed on Petitioners. Male Petitioners are housed with nearly 50 other people, and female Petitioners are housed in rooms with 8 women, making social distancing impossible. Cuevas-Cortes Decl. at ¶ 19; Nuñez-Hernandez Decl. at ¶ 15; Manzo-Hernandez Decl. at ¶ 18. They are not given disinfectant or masks. *Id.* Petitioners would take more precautions if they were at liberty, and they are afraid of contracting COVID-19 due to the close quarters and insufficient precautions in detention. *Id.*

22. This detention serves no purpose. Petitioners are, without exception, willing to testify by deposition. *See, e.g.,* Manzo-Hernandez Decl. at ¶ 19-20.

b. About 139 Class Members have been Detained without Findings and Without Hearings.

23. Petitioners have been treated in the same manner as hundreds of other material witnesses. According to public records, approximately 139 material witnesses are currently detained by Respondent at La Salle County Regional Detention Center. Declaration of Caitlin Halpern (“Halpern Decl.”) at ¶¶ 3-4.

24. Upon affidavits submitted by government officials, witnesses are arrested, designated as material witnesses, and ordered detained “pending disposition” of criminal proceedings against defendants. Halpern Decl. at ¶¶ 6-7.

25. Witnesses do not receive counseled, adversarial hearings prior to the deprivation of their liberty. The only court appearance any of the putative class members have had is a cursory, post-deprivation “initial appearance.” These appearances occurred in groups of as many as 11 witnesses from five unrelated cases and lasted an average of seven minutes, with many initial appearances spanning just two or three minutes. Halpern Decl. at ¶ 8.

26. Witnesses are uniformly subject to \$25,000 bonds. Halpern Decl. at ¶ 10. No witness has paid this amount and secured their release. *Id.*

27. Witnesses are detained pursuant to identical orders, which do not make findings as to the possibility of conditional release, the witness's ability to pay a \$25,000 bond, the adequacy of testimony secured by deposition, or whether detention is necessary to prevent a failure of justice. Halpern Decl. at ¶ 12.

28. The pandemic has led to delays in the underlying criminal cases, prolonging detention for Petitioners and putative class members. Petitioners' cases, like many others, have been reset several times. *See, e.g.,* Duchi-Vargas Decl. ¶¶ 12-14, 16. And in six cases involving nine class members, the court has cancelled upcoming hearings and ordered that: "Due to health concerns, Court is cancelled until further notice." Halpern Decl. ¶ 14.

29. Of the 139 material witnesses detained in Laredo today, 57 have been detained for more than three months. Some have been detained since 2019. None have scheduled release dates. Halpern Decl. at ¶¶ 12-13.

IV. Legal Background

30. The Material Witness Statute, 18 U.S.C. § 3144, allows a court to order a person's arrest and detention only where necessary to secure their testimony in criminal proceedings.

31. To order detention, courts must make findings as to critical incarceration-related questions. Witnesses enjoy a presumption of unconditional release, which the government must rebut. 18 U.S.C. § 3142(b). If a court finds that unconditional release would not secure a witness's appearance as required, it must then order release "subject to the least restrictive further condition, or combination of conditions," necessary to do so. 18 U.S.C. § 3142(c)(1). The courts cannot impose a financial condition that results in detention. 18 U.S.C. § 3142(c)(2).

32. The Statute supersedes these requirements by providing that no witness may be detained *at all* if their testimony can adequately be secured by deposition, unless release would cause a failure of justice. 18 U.S.C. § 3144.

33. Following detention, release may be delayed only as long as reasonably necessary to secure a witness's testimony by deposition. 18 U.S.C. § 3144.

34. Each of these findings must be reached *after* an immediate detention hearing where witnesses are afforded notice and a meaningful opportunity to be heard. 18 U.S.C. § 3144 (incorporating the procedures of the Bail Reform Act, 18 U.S.C. § 3142).

35. At every stage of the proceedings, including initial appearances, witnesses must be represented by counsel. 18 U.S.C. § 3142(f); 18 U.S.C. § 3006 (Material witnesses “shall be represented at every stage of the proceedings from [their] initial appearance before the United States magistrate judge or the court through appeal, including ancillary matters appropriate to the proceeding.”).

36. Following these hearings, any detention order must include “written findings of fact and a written statement of the reasons for the detention.” 18 U.S.C. § 3142(i).

V. Class Action Allegations

37. Petitioners bring this action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2) on behalf of themselves and all others similarly situated. The proposed class is defined as follows:

38. “All individuals who currently are or in the future will be detained under 18 U.S.C. § 3144 by the Laredo Division of the Southern District of Texas.” The proposed class meets the requirements of Rule 23(a)(1).

39. **First**, the class is so numerous that the joinder of all members is impracticable. There are roughly 139 members of the proposed class. Halpern Decl. ¶ 4.

40. Moreover, joinder is impractical because of the inherently transitory nature of the proposed class. New material witnesses are regularly ordered detained for undefined periods. The length of detention typically averages approximately three months, although the length of detention has grown during the COVID-19 pandemic. This period is contingent on circumstances outside each witness's control. Respondent ultimately controls each witness's period of detention.

41. **Second**, there are questions of law and fact common to the class. In violation of the federal material witness statute and the United States Constitution, all proposed class members have been or will be detained:

- a. without findings that detention is the least restrictive condition necessary to secure the witness's appearance as required, either to testify by deposition or to provide live testimony at trial;
- b. subject to a secured \$25,000 bond, without a judicial finding that this financial condition does not prevent release;
- c. without findings as to the adequacy of testimony secured by deposition and the necessity of detention to prevent a failure of justice;
- d. without defined limits on the period of time reasonably necessary to take the witness's testimony by deposition;
- e. without an immediate adversarial hearing regarding these critical incarceration-related findings; and

- f. without representation of counsel at their initial appearance or any subsequent stage or proceedings.

42. **Third**, Petitioners' claims and defenses are typical of the claims of the class as a whole. All Petitioners and proposed class members have experienced similar or identical treatment by Respondent.

43. **Fourth**, Petitioners will fairly and adequately protect the interests of the class. Petitioners seek the same relief for themselves and other members of the class, and, in advocating for their rights and defending against incursions to their liberty, they will forcefully, fairly, and adequately defend the interests of all class members. Petitioners know of no conflict between their interests and those of the proposed class.

44. Further, Petitioners are represented by counsel with extensive knowledge of criminal and constitutional law, and who have substantial experience in class and other complex litigation. Counsel have thoroughly investigated Petitioners' and proposed class members' detention, and they have the requisite level of expertise to adequately prosecute this case.

45. **Fifth** and finally, the proposed class satisfies Rule 23(b)(2) because Respondent have acted on grounds that apply generally to the class, and final declaratory relief is appropriate respecting the class as a whole.

CAUSES OF ACTION

46. For both Counts, all of the foregoing allegations are repeated and realleged as though fully set forth therein.

Count One: Detention in Violation of 18 U.S.C. Sections 3144 and 3142

47. As conditions of detention, the Material Witness Statute requires individual findings as to critical incarceration-related questions: that conditions on release or detention are required to secure appearance at either a deposition or live trial; that witnesses can pay secured

bonds; and that testimony cannot adequately be secured by deposition in lieu of conditional release or detention. The Statute commands that each of these conditions be tested in an immediate, represented, adversarial hearing, with detention orders supported by written findings of fact and legal conclusions.

48. Petitioners and proposed class members are detained without determinations as to any of these critical incarceration-related questions, and without having received any process whatsoever.

49. Petitioners and proposed class members are automatically detained, uniformly subject to a secure \$25,000 bond without regard to their ability to pay, without findings as to the adequacy of the deposition or the need for detention. Their detention orders command that they will be released “pending disposition” of criminal matters over which they do not exercise any control.

50. Petitioners’ and proposed class members’ detention violates each independent requirement of 18 U.S.C. § 3144.

Count Two: Deprivation of Due Process

51. The Fifth Amendment’s Due Process Clause provides that no person shall be deprived of life, liberty, or property without due process of law.

52. Freedom from physical restraint lies at the heart of the liberty protected by the Due Process Clause. As such, detention cannot be imposed without stringent procedural safeguards and must be necessary to a compelling government interest.

53. *First*, Petitioners and proposed class members are detained in violation of the substantive requirements of due process. The deprivation of liberty must be narrowly tailored to a compelling government interest. No court has found that Petitioners’ and proposed class members’ detention is necessary to and outweighed by the government’s interest in securing

testimony for criminal proceedings. 18 U.S.C. § 3144 (defining the government's interest in detention). No court has determined that their testimony could not adequately be secured by deposition, that conditional release would fail to secure their appearance as needed, and that they can pay the secured bond imposed.

54. Further, narrow tailoring requires that detention be limited in duration, or at least subject to periodic review. Petitioners and proposed class members are detained without any findings as to the period of time reasonably necessary to further the government's articulated interest in securing testimony, and despite material changes in circumstances including continuances, terminated deadlines, and a global public health crisis.

55. *Second*, Petitioners and proposed class members are detained in violation of the procedural requirements of due process. The deprivation of liberty requires, at a minimum, immediate, counseled, adversarial hearings. Petitioners and proposed class members have not received *any* hearing, let alone one that adequately safeguards their liberty interests.

56. Petitioners and proposed class members are therefore detained in violation of the Constitution.

VI. Prayer for Relief

Wherefore, Petitioners pray this Court to:

57. Assume jurisdiction over this matter;
58. Certify a class, defined above, pursuant to Federal Rule of Civil Procedure 23;
59. Order the government to release Petitioners and class members from detention, and in the alternative, order prompt individualized hearings pursuant to Section 3144 of Title 18;

60. Declare Respondent Warden Juarez's detention of Petitioners and class members to be in violation of Section 3144 of Title 18, and in the alternative in violation of the Due Process Clause, and invalid;

61. Declare that detention pursuant to Section 3144 of Title 18 requires an immediate, adversarial hearing, representation by counsel, as well as findings that detention is the least restrictive condition necessary to assure appearance, witnesses can pay secured bond amounts, testimony cannot adequately be secured by deposition, and detention is necessary to prevent a failure of justice; in the alternative, declare that such procedures and findings are required by the Constitution;

62. Award reasonable costs and attorneys' fees under the Equal Access to Justice Act, and any other applicable statute or regulation; and

63. Grant such further relief as the Court may deem proper.

Caitlin Halpern*

Barrett H. Reasoner

Sam W. Cruse III

GIBBS & BRUNS, LLP

Respectfully submitted,

/s/David A. Donatti
David A. Donatti (*Attorney-in-charge*)

Andre Segura

ACLU FOUNDATION OF TEXAS, INC.