

**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CIVIL DOCKET FOR CASE #: 3:21-cv-00173-KC**

UNITED STATES OF AMERICA v. STATE OF TEXAS et al
Assigned to: Judge Kathleen Cardone
Cause: 28:1651 Petition for Writ of Coram Nobis

Date Filed: 07/30/2021
Jury Demand: None
Nature of Suit: 950 Constitutional - State Statute
Jurisdiction: U.S. Government Plaintiff

Plaintiff

UNITED STATES OF AMERICA

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V.

Consol Plaintiff

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Defendant

Greg Abbott
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V.

Consol Defendant

Steven McCraw
*in his official capacity as Director
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Date Filed	#	Docket Text
07/30/2021	1	COMPLAINT (Filing fee \$ 402.), filed by UNITED STATES OF AMERICA. (Attachments: # 1 Civil Cover Sheet)(Kolsky, Joshua) (Entered: 07/30/2021)
07/30/2021	2	REQUEST FOR ISSUANCE OF SUMMONS by UNITED STATES OF AMERICA. (Kolsky, Joshua) (Entered: 07/30/2021)
07/30/2021	3	MOTION for Temporary Restraining Order <i>or Preliminary Injunction</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Hastings Declaration, # 2 Hott Declaration, # 3 Sualog Declaration, # 4 Proposed Order)(Avallone, Zachary) (Entered: 07/30/2021)
07/30/2021		Case assigned to Judge Kathleen Cardone. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH

		DOCUMENT THAT YOU FILE IN THIS CASE. (mt) (Entered: 07/30/2021)
07/30/2021		If ordered by the court, all referrals will be assigned to Magistrate Judge Berton (mt) (Entered: 07/30/2021)
07/30/2021	4	NOTICE of Attorney Appearance by Zachary Avallone on behalf of UNITED STATES OF AMERICA (Avallone, Zachary) (Entered: 07/30/2021)
07/31/2021	5	ORDER SETTING GOVERNMENT'S EMERGENCY MOTION (TRO/PRELIMINARY INJUNCTION) HEARING (set for Monday, 8/2/2021 02:00 PM MOUNTAIN TIME before Judge Kathleen Cardone, COURTROOM 522, UNITED STATES COURTHOUSE, 525 MAGOFFIN AVE, EL PASO, TEXAS). Signed by Judge Kathleen Cardone. (mt) (Entered: 07/31/2021)
08/02/2021	6	NOTICE of Attorney Appearance by Brian Boynton on behalf of UNITED STATES OF AMERICA. Attorney Brian Boynton added to party UNITED STATES OF AMERICA(pty:pla) (Boynton, Brian) (Entered: 08/02/2021)
08/02/2021	7	NOTICE of Attorney Appearance by Jean Lin on behalf of UNITED STATES OF AMERICA (Lin, Jean) (Entered: 08/02/2021)
08/02/2021	8	Summons Issued as to Greg Abbott, STATE OF TEXAS. (ep1) (Entered: 08/02/2021)
08/02/2021	9	Memorandum in Opposition to Motion, filed by Greg Abbott, STATE OF TEXAS, re 3 MOTION for Temporary Restraining Order <i>or Preliminary Injunction</i> filed by Plaintiff UNITED STATES OF AMERICA (Sweeten, Patrick) (Entered: 08/02/2021)
08/02/2021	10	NOTICE of Attorney Appearance by Judd E. Stone on behalf of Greg Abbott, STATE OF TEXAS (Stone, Judd) (Entered: 08/02/2021)
08/02/2021	11	NOTICE of Attorney Appearance by William Thomas Thompson on behalf of Greg Abbott, STATE OF TEXAS (Thompson, William) (Entered: 08/02/2021)
08/02/2021	12	NOTICE of Attorney Appearance by Patrick K. Sweeten on behalf of Greg Abbott, STATE OF TEXAS (Sweeten, Patrick) (Entered: 08/02/2021)
08/02/2021	13	APPENDIX to 9 Memorandum in Opposition to Motion by Greg Abbott, STATE OF TEXAS. (Sweeten, Patrick) (Entered: 08/02/2021)

08/02/2021	14	Unopposed MOTION for Leave to Exceed Page Limitation for <i>Response to Plaintiff's Motion for Emergency Temporary Restraining Order</i> by Greg Abbott, STATE OF TEXAS. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 08/02/2021)
08/02/2021		Text Order GRANTING 14 Motion for Leave to File Excess Pages entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 08/02/2021)
08/02/2021	15	Minute Entry for proceedings held before Judge Kathleen Cardone: Motion Hearing held on 8/2/2021 re 3 MOTION for Temporary Restraining Order <i>or Preliminary Injunction</i> filed by UNITED STATES OF AMERICA (Motion taken under advisement, supplemental documents due 08/03/21 (Minute entry documents are not available electronically.). (Court Reporter ecro.)(ep1) (Entered: 08/03/2021)
08/03/2021		Motions Taken Under Advisement: 3 MOTION for Temporary Restraining Order <i>or Preliminary Injunction</i> (ep1) (Entered: 08/03/2021)
08/03/2021	16	Unopposed MOTION for Leave to Exceed Page Limitation by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order)(Kolsky, Joshua) (Entered: 08/03/2021)
08/03/2021	17	REPLY to Response to Motion, filed by UNITED STATES OF AMERICA, re 3 MOTION for Temporary Restraining Order <i>or Preliminary Injunction</i> filed by Plaintiff UNITED STATES OF AMERICA (Attachments: # 1 Affidavit)(Kolsky, Joshua) (Entered: 08/03/2021)
08/03/2021		Text Order GRANTING 16 Motion for Leave to File Excess Pages entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 08/03/2021)
08/03/2021	18	ORDER GRANTING 3 Motion for TEMPORARY RESTRAINING ORDER, Signed by Judge Kathleen Cardone. (mt) (Entered: 08/03/2021)
08/03/2021	19	EXPEDITED TRANSCRIPT REQUEST by STATE OF TEXAS for proceedings held on 8/2/21. Proceedings Transcribed: Hearing on TRO. Court Reporter: Walter Chiriboga. (mt) (Entered: 08/03/2021)

08/04/2021	20	TRANSCRIPT REQUEST by UNITED STATES OF AMERICA for proceedings held on August 2, 2021. Proceedings Transcribed: Hearing for motion for TRO. Court Reporter: Walter Chiriboga. (Avallone, Zachary) (Entered: 08/04/2021)
08/04/2021	57	COMPLAINT, filed by Annunciation House, FIEL Houston, Angry Tias & Abuelas of the Rio Grande Valley, Jennifer Harbury. (Attachments: # 1 Civil Cover Sheet)(ep1) (Entered: 09/07/2021)
08/04/2021	58	MOTION for Preliminary Injunction by Angry Tias & Abuelas of the Rio Grande Valley, Annunciation House, FIEL Houston, Jennifer Harbury. (Attachments: # 1 Exhibit A. Executive Order GA-37, # 2 Exhibit B. Garcia Declaration, # 3 Exhibit C. Sandefur Declaration, # 4 Exhibit D. Harbury Declaration, # 5 Exhibit E. Espinosa Declaration, # 6 Exhibit F. Title 42 Order, # 7 Exhibit G. Gov. Greg Abbott Proclamation, # 8 Exhibit H. Executive Order GA-38, # 9 Proposed Order)(ep1) (Entered: 09/07/2021)
08/05/2021	21	TRANSCRIPT REQUEST for proceedings held on 08/2/21. Proceedings Transcribed: ECRO. Court Reporter: Walter Chiriboga. (ep1) (Entered: 08/05/2021)
08/07/2021	22	Transcript filed of Proceedings held on 08/02/2021, Proceedings Transcribed: Hearing on Motion for TRO. Court Reporter/Transcriber: Walter A. Chiriboga, Jr., Telephone number: 915-834-0553. Tape Number: 01. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 8/30/2021, Redacted Transcript Deadline set for 9/7/2021, Release of Transcript Restriction set for 11/5/2021, (wc) (Entered: 08/07/2021)
08/08/2021	23	NOTICE of Attorney Appearance by Michael Joseph Gerardi on behalf of UNITED STATES OF AMERICA. Attorney Michael Joseph Gerardi added to party UNITED STATES OF AMERICA(pty:pla) (Gerardi, Michael) (Entered: 08/08/2021)
08/09/2021	24	Joint MOTION <i>for Clarification Regarding August 13 Hearing</i> by UNITED STATES OF AMERICA. (Lin, Jean) (Entered: 08/09/2021)

08/09/2021	25	ORDER GRANTING IN PART 24 Joint Motion for Clarification. FURTHER ORDERED that, on or before August 11, 2021, at 5:00 p.m. the parties shall each FILE with the Court a list of all witnesses and an Exhibit List. Signed by Judge Kathleen Cardone. (mc4) (Entered: 08/09/2021)
08/10/2021	26	MOTION to Appear Pro Hac Vice by Steven C. Levatino (<i>For Eric Rassbach- Becket Fund for Religious Liberty</i>) (Filing fee \$ 100 receipt number 0542-15104022) by on behalf of Catholic Charities of the Rio Grande Valley. (Attachments: # 1 Exhibit Application for Pro Hac Vice-Rassbach)(Levatino, Steven) (Entered: 08/10/2021)
08/10/2021	27	MOTION to Appear Pro Hac Vice by Steven C. Levatino (<i>For Llori Whindham- Becket Fund for Religious Liberty</i>) (Filing fee \$ 100 receipt number 0542-15104107) by on behalf of Catholic Charities of the Rio Grande Valley. (Attachments: # 1 Exhibit Application for Pro Hac Vice-Windham)(Levatino, Steven) (Entered: 08/10/2021)
08/11/2021	28	ORDER GRANTING IN PART 26 Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order.; GRANTING IN PART 27 Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Attorneys Rassbach and Windham shall apply for admission to practice before the United States District Court for the Western District of Texas on or before September 22, 2021, and diligently pursue such application until they are either admitted to practice before this Court or denied admission. Signed by Judge Kathleen Cardone. (ep1) (Entered: 08/11/2021)
08/11/2021	29	SUMMONS Returned Executed by UNITED STATES OF AMERICA. Greg Abbott served on 8/5/2021, answer due 8/26/2021. (Kolsky, Joshua) (Entered: 08/11/2021)
08/11/2021	30	SUMMONS Returned Executed by UNITED STATES OF AMERICA. STATE OF TEXAS served on 8/5/2021, answer due 8/26/2021. (Kolsky, Joshua) (Entered: 08/11/2021)
08/11/2021	31	Exhibit List for <i>Hearing on Plaintiff's Motion for Preliminary Injunction</i> by Greg Abbott, STATE OF TEXAS.. (Sweeten, Patrick) (Entered: 08/11/2021)

08/11/2021	32	Witness List by Greg Abbott, STATE OF TEXAS. (Sweeten, Patrick) (Entered: 08/11/2021)
08/11/2021	33	WITNESS/EXHIBIT LIST by UNITED STATES OF AMERICA. (Avallone, Zachary) (Entered: 08/11/2021)
08/12/2021	34	Unopposed MOTION for Leave to File Amicus Brief by Eric C. Rassbach. by Catholic Charities of the Rio Grande Valley. (Attachments: # 1 Brief Amicus Curiae of Catholic Charities of the Rio Grande Valley, # 2 Declaration of Sr. Norma Pimentel)(Rassbach, Eric) (Entered: 08/12/2021)
08/12/2021		Text Order GRANTING 34 Motion for Leave to File Amicus Brief entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 08/12/2021)
08/12/2021	35	MOTION to Transfer Case to <i>First-Filed Court or in the Alternative, to Stay Proceedings</i> by Greg Abbott, STATE OF TEXAS. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Sweeten, Patrick) (Entered: 08/12/2021)
08/12/2021	36	AMICUS BRIEF by Catholic Charities of the Rio Grande Valley. (Attachments: # 1 Declaration of Sr. Norma Pimentel)(ep1) (Entered: 08/12/2021)
08/13/2021	37	** DOCUMENT DEFICIENT ** TRANSCRIPT REQUEST by UNITED STATES OF AMERICA for proceedings held on August 13, 2021. Proceedings Transcribed: Hearing on Motion for Preliminary Injunction.. (Avallone, Zachary) Modified on 8/13/2021 (bg2). (Entered: 08/13/2021)
08/13/2021	38	Minute Entry for proceedings held before Judge Kathleen Cardone: Preliminary Injunction Hearing held on 8/13/2021 T.R.O extended 14 days, written order forthcoming (Minute entry documents are not available electronically.). (Court Reporter ECRO.)(ep1) (Entered: 08/13/2021)
08/13/2021	39	** DOCUMENT DEFICIENT ** TRANSCRIPT REQUEST by Greg Abbott, STATE OF TEXAS for proceedings held on 08/13/21. Proceedings Transcribed: Hearing on Motion for Preliminary Injunction. Court Reporter: ECRO. (Thompson, William) Modified on 8/13/2021 (bg2). (Entered: 08/13/2021)
08/13/2021	40	ORDER that the Temporary Restraining Order, ECF No.18, SHALL REMAIN IN FULL FORCE AND EFFECT for an additional fourteen

		(14) days until the 27th day of August, 2021.. Signed by Judge Kathleen Cardone. (ep1) (Entered: 08/13/2021)
08/13/2021	41	ORDER that the United States of America SHALL FILE a proposed preliminary injunction order on or before August 20, 2021. IT IS FURTHER ORDERED that the United States of America SHALL FILE its Response to Defendants State of Texas and Greg Abbotts Motion to Transfer Venue, ECF No. 35, along with a proposed order on or before August 19, 2021.. Signed by Judge Kathleen Cardone. (ep1) (Entered: 08/13/2021)
08/13/2021	42	NOTICE of Filing Defendants' Presentation from Hearing on Motion for Preliminary Injunction (Aug. 13, 2021) by Greg Abbott, STATE OF TEXAS (Attachments: # 1 Exhibit)(Sweeten, Patrick) (Entered: 08/13/2021)
08/13/2021	43	DEFICIENCY NOTICE: re 37 Transcript Request (Miscellaneous) (bg2) (Entered: 08/13/2021)
08/13/2021	44	DEFICIENCY NOTICE: re 39 Transcript Request (Miscellaneous) (bg2) (Entered: 08/13/2021)
08/13/2021	45	TRANSCRIPT REQUEST (<i>CORRECTED</i>) by UNITED STATES OF AMERICA for proceedings held on August 13, 2021. Proceedings Transcribed: Hearing re Motion for Preliminary Injunction.. (Avallone, Zachary) (Entered: 08/13/2021)
08/19/2021	46	Memorandum in Opposition to Motion, filed by UNITED STATES OF AMERICA, re 35 MOTION to Transfer Case to <i>First-Filed Court or in the Alternative, to Stay Proceedings</i> filed by Defendant Greg Abbott, Defendant STATE OF TEXAS (Gerardi, Michael) (Entered: 08/19/2021)
08/20/2021	47	Unopposed MOTION for Extension of Time to File <i>Responsive Pleading</i> by Greg Abbott, STATE OF TEXAS. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 08/20/2021)
08/20/2021	48	NOTICE of Filing Proposed Order for Preliminary Injunction by UNITED STATES OF AMERICA (Attachments: # 1 Proposed Order)(Gerardi, Michael) (Entered: 08/20/2021)
08/23/2021		Text Order GRANTING 47 Motion for Extension of Time to File. EXTENDED to October 11, 2021. SO ORDERED. Entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 08/23/2021)

08/23/2021	59	Memorandum in Opposition to Motion, filed by Greg Abbott, Steven McCraw, re 58 MOTION for Preliminary Injunction filed by Consol Plaintiff FIEL Houston, Consol Plaintiff Annunciation House, Consol Plaintiff Jennifer Harbury, Consol Plaintiff Angry Tias & Abuelas of the Rio Grande Valley (Attachments: # 1 Appendix in support of Response in Opposition to Plaintiffs' Motion for Preliminary Injunction)(ep1) (Entered: 09/07/2021)
08/24/2021	49	TRANSCRIPT REQUEST (<i>RENEWED REQUEST</i>) by UNITED STATES OF AMERICA for proceedings held on Aug. 13, 2021. Proceedings Transcribed: Hearing re Motion for Preliminary Injunction.. (Avallone, Zachary) (Entered: 08/24/2021)
08/25/2021	60	REPLY to Response to Motion, filed by Angry Tias & Abuelas of the Rio Grande Valley, Annunciation House, FIEL Houston, Jennifer Harbury, re 58 MOTION for Preliminary Injunction filed by Consol Plaintiff FIEL Houston, Consol Plaintiff Annunciation House, Consol Plaintiff Jennifer Harbury, Consol Plaintiff Angry Tias & Abuelas of the Rio Grande Valley (Attachments: # 1 Pimentel Declaration, # 2 Samaniego Declaration, # 3 Cheung Declaration with Exhibits A-C)(ep1) (Entered: 09/07/2021)
08/26/2021	51	ORDER GRANTING 5 Motion to Consolidate Cases. Accordingly, it is hereby ORDERED that cause numbers EP-21-CV-173-KC and EP-21-CV-178-KC be CONSOLIDATED into cause number EP-21-CV-173-KC, for discovery and other pretrial purposes. IT IS ORDERED that all future filings be FILED in cause number EP-21-CV-173-KC (Consolidated Action). Signed by Judge Kathleen Cardone. (dc) (Entered: 08/26/2021)
08/26/2021	52	Plaintiffs Motion for a Preliminary Injunction, ECF No.3, is hereby GRANTED. IT IS HEREBY ORDERED THAT DEFENDANTS, THEIR AGENTS, OFFICERS, AND EMPLOYEES, AND ALL OTHER PERSONS AND ENTITIES IN ACTIVECONCERT OR PARTICIPATION WITH THEM ARE ENJOINED FROM TAKING ANY ACTION TO ENFORCE THE EXECUTIVE ORDER. IT IS FURTHER ORDERED that this preliminary injunction shall remain in force until resolution of this action on the merits.. Signed by Judge Kathleen Cardone. (mt) (Entered: 08/26/2021)
08/26/2021	53	TRANSCRIPT REQUEST by Catholic Charities of the Rio Grande Valley for proceedings held on 8/13/21. Proceedings Transcribed: Hearing on Motion. Court Reporter: ECRO. (dc) (Entered: 08/26/2021)

08/30/2021	54	Unopposed MOTION for Extension of Time to File <i>Responsive Pleading</i> by Greg Abbott, Steven McCraw. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 08/30/2021)
08/31/2021		Text Order GRANTING 54 Motion for Extension of Time to File. EXTENDED to October 11, 2021. Entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 08/31/2021)
09/02/2021	55	Transcript filed of Proceedings held on August 13, 2021, Proceedings Transcribed: Preliminary Injunction Hearing. Court Reporter/Transcriber: Lily I. Reznik, Telephone number: 512-391-8792 or Lily_Reznik@txwd.uscourts.gov. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 9/23/2021, Redacted Transcript Deadline set for 10/4/2021, Release of Transcript Restriction set for 12/1/2021, (lr) (Entered: 09/02/2021)
09/02/2021	56	MOTION to Appear Pro Hac Vice (Filing fee \$ 100 receipt number 300038200). (Attachments: # 1 Proposed Order, # 2 Correspondence)(ep1) (Entered: 09/02/2021)
09/07/2021		Text Order GRANTING 56 Motion to Appear Pro Hac Vice. IT IS ORDERED that Gina Michele D'Andrea may appear on behalf of Immigration Reform Law Institute. IT IS FURTHER ORDERED that Gina Michele D'Andrea, if she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Court Rule AT-l(f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 09/07/2021)
09/13/2021	61	Certified Mailing (dt) (Entered: 09/13/2021)