

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

HILDA GONZALEZ GARZA AND  
ROSBELL BARRERA,  
*Plaintiffs,*

V.

CIVIL ACTION NO. 7:18-CV-00046

STARR COUNTY, TEXAS;  
OMAR ESCOBAR, in his official capacity  
as District Attorney for the 229th Judicial  
District; VICTOR CANALES JR.,  
in his official capacity as County Attorney  
for Starr County; ELOY VERA, in his  
official capacity as County Judge for  
Starr County; JAIME ALVAREZ, in his  
official capacity as Starr County  
Commissioner for Precinct 1; RAUL PEÑA,  
III, in his official capacity as Starr County  
Commissioner for Precinct 2; ELOY GARZA,  
in his official capacity as Starr County  
Commissioner for Precinct 3; RUBEN D.  
SAENZ, in his official capacity for Starr  
County Commissioner for Precinct 4;  
RENE “ORTA” FUENTES, in his official  
capacity as Sheriff for Starr County.  
*Defendants.*

**DEFENDANTS' INITIAL RESPONSE TO PLAINTIFFS' SECOND EMERGENCY  
APPLICATION FOR TEMPORARY RESTRAINING ORDER  
CONCERNING MEMORIAL DAY ACTIVITIES**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COME NOW, Defendants, STARR COUNTY, TEXAS; OMAR ESCOBAR, in his official capacity as District Attorney for the 229th Judicial District; VICTOR CANALES JR., in his official capacity as County Attorney for Starr County; ELOY VERA, in his official capacity as County Judge for Starr County; JAIME ALVAREZ, in his official capacity as Starr County Commissioner for Precinct 1; RAUL PEÑA, III, in his official capacity as Starr County Commissioner for Precinct 2; ELOY GARZA, in his official capacity as Starr County Commissioner for Precinct 3; RUBEN D. SAENZ, in his official capacity for Starr County Commissioner for Precinct 4; RENE “ORTA”

FUENTES, in his official capacity as Sheriff for Starr County, and, in its initial response to Plaintiffs' Second Emergency Application for Temporary Restraining Order, would respectfully show unto the Court as follows:

Starr County does not, and will not, prohibit public gatherings honoring veterans at any County cemetery, memorial or park, and encourages citizens to demonstrate their support for our veterans and to remember our nation's fallen heroes on Memorial Day. The prohibition on use of buildings and facilities on County holidays, as described in the Starr County Building and Property Use Policy, does not extend to these public spaces.

Respectfully submitted,

By: /s/ Ysmael D. Fonseca  
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*Of Counsel*

**ATTORNEYS FOR DEFENDANTS**  
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OMAR ESCOBAR, in his official capacity  
as District Attorney for the 229th Judicial  
District; VICTOR CANALES JR.,  
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for Starr County; ELOY VERA, in his  
official capacity as County Judge for  
Starr County; JAIME ALVAREZ, in his  
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in his official capacity as Starr County  
Commissioner for Precinct 3; RUBEN D.  
SAENZ, in his official capacity for Starr

County Commissioner for Precinct 4;  
RENE "ORTA" FUENTES, in his official  
capacity as Sheriff for Starr County

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of May, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Via CM/ECF

Ms. Nina Peralez  
Ms. Celina Moreno  
Ms. Alejandra Avila  
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Via CM/ECF

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Via CM/ECF

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/s/ Ysmael D. Fonseca  
Ysmael D. Fonseca