

**ENTERED**

May 25, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISIONHILDA GONZALEZ GARZA, *et al*,

Plaintiffs,

VS.

ELOY VERA, *et al*,

Defendants.

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CIVIL ACTION NO. 7:18-CV-46

**ORDER ON LIMITED ISSUE RAISED BY COURT'S MINUTE ENTRY**

Now before the Court are the parties' responses to the Court's Minute Entry. (Dkt. Nos. 40-42). Defendant Starr County responded that it "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." (Dkt. No. 40). The Court cannot, absent further briefing and a hearing, rule on the merits of Plaintiffs' request for a temporary restraining order ("TRO") against Sections 3(a) and (d) of the County's "Building and Property Use Policy" as they relate to Plaintiff Barrera's intended use of the Starr County Cemetery to hold a public gathering honoring veterans on May 28, 2018 (Memorial Day).<sup>1</sup> However, given the Defendant County's agreement to allow public gatherings encompassing this use, the Court hereby **ORDERS** that "public gatherings honoring veterans at any County cemetery, memorial or park" shall be permitted on May 28, 2018 (Memorial Day).

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<sup>1</sup> Section 3(d) states that "County facilities are not available for use on County holidays," and since Section 3(a) defines "facilities" to "include structures and surrounding property belonging to Starr County, including, but not limited to...porticos, and greens," Plaintiffs take the position that the prohibition in subsection (d) applies to Plaintiff Barrera's intended use of the Starr County Cemetery on Memorial Day. (Dkt. No. 36, Exh. A-1 at § 3(a), (d); Dkt. Nos. 36, 41).

SO ORDERED this 25th day of May, 2018, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" in "Crane" is also large and loops around the "r". The signature is positioned above a horizontal line.

Randy Crane  
United States District Judge