

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:21-cv-173-KC
	§	
THE STATE OF TEXAS; GREG ABBOTT,	§	
in his official capacity as Governor of	§	
Texas,	§	
	§	
Defendants.	§	

**DEFENDANTS’ EXHIBIT LIST FOR
HEARING ON PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to the Court’s Order entered August 9, 2021 (ECF 25), Defendants the State of Texas and Greg Abbott, in his official capacity as Governor of Texas (“State Defendants”), hereby submit their initial list of exhibits for the August 13, 2021, hearing on Plaintiffs’ Motion for Preliminary Injunction. Defendants reserve the right to supplement or amend this exhibit list to add, substitute, or withdraw documents, to the extent such changes become necessary. Defendants also reserve the right to offer into evidence any documents identified on a joint exhibit list of the parties or on any exhibit lists submitted by Plaintiffs.

Defendants expect to offer the following documents at the hearing:

No.	DESCRIPTION OF EXHIBITS
<u>D-1</u>	Executive Order GA-37
D-2	Declaration of Dr. Victor Treviño, City of Laredo Health Authority
D-3	Declaration of Judge Richard F. Cortez, Hidalgo County Judge
D-4	Declaration of La Joya Police Sergeant Joel Villarreal
D-5	La Joya Police Report
<u>D-6</u>	Department of Homeland Security, COVID-19 Vulnerability by Immigration Status (May 2021), Excerpts
<u>D-7</u>	National Center for Biotechnology Information, Vaccinations in Migrants and Refugees: A Challenge for European Health Systems
<u>D-8</u>	Texas Health and Human Services, County-level Vulnerability and COVID-19 Measures
<u>D-9</u>	Office of the State Demographer – Texas Born Immigration
<u>D-10</u>	Centers for Disease Control and Prevention, CDC COVID Data Tracker
<u>D-11</u>	Texas Department of State Health Services, COVID Vaccine in Texas
<u>D-12</u>	Department of Homeland Security, COVID-19 Vulnerability by Immigration Status, Data Files
<u>D-13</u>	New York Times, Covid World Vaccination Tracker
<u>D-14</u>	United States Government Accountability Office, ICE Efforts to Address COVID-19 in Detention Facilities
<u>D-15</u>	U.S. Department of Health & Human Services, Unaccompanied Children Released to Sponsors by State
<u>D-16</u>	U.S. Immigration and Customs Enforcement, Statement of Acting Director Tae D. Johnson Before the U.S. House of Representatives House Committee on Appropriations Subcommittee on Homeland Security, Excerpt
<u>D-17</u>	U.S. Immigration and Customs Enforcement, ICE Guidance on COVID 19
<u>D-18</u>	Statement by Homeland Security Secretary Alejandro N. Mayorkas Regarding the Situation at the Southwest Border
<u>D-19</u>	U.S. Customs and Border Patrol Protection Encounters Southwest Land Border Encounters for Fiscal Year 2021
<u>D-20</u>	Centers for Disease Control and Prevention, Interim Guidance on Management of Coronavirus Disease (COVID-19) in Correction and Detention Facilities, Excerpt
<u>D-21</u>	Senator Heinrich Press Release, Senate Democrats to DHS: Halt Transfer of ICE Detainees, Increase Agency COVID-19 Testing
<u>D-22</u>	U.S. Department of Health & Human Services, HHS Protect Public Data Hub, National Testing Results

No.	DESCRIPTION OF EXHIBITS
<u>D-23</u>	Texas Health and Human Services, COVID County Trends Over Time
<u>D-24</u>	New York Times, Texas Coronavirus Map and Case Count
<u>D-25</u>	U.S. Customs and Border Protection, CBP Announces June 2021 Operational Update
<u>D-26</u>	U.S. Customs and Border Protection, CBP COVID-19 Updates and Announcements
<u>D-27</u>	U.S. Customs and Border Protection, Large Groups of Migrants Encountered on Consecutive Days (July 20, 2021)
<u>D-28</u>	La Joya Police Department – Public Health Announcement (July 26, 2021)
<u>D-29</u>	City of McAllen Press Release
<u>D-30</u>	Hidalgo County, Press Release: Hidalgo County Judge Calls on Federal Government to Stop Releasing Infected Migrant and Calls on State to Return the Tools to Contain the Spread of COVID-19 (July 27, 2021)
<u>D-31</u>	Hidalgo County Health and Human Services Department (July 27, 2021)
<u>D-32</u>	Hidalgo County Health and Human Services Department (July 28, 2021)
<u>D-33</u>	Hidalgo County Health and Human Services Department (July 29, 2021)
<u>D-34</u>	Hidalgo County Health and Human Services Department (July 30, 2021)
<u>D-35</u>	Hidalgo County Health and Human Services Department (Aug. 2, 2021)
<u>D-36</u>	Hidalgo County Health and Human Services Department (Aug. 3, 2021)
<u>D-37</u>	Hidalgo County Health and Human Services Department (Aug. 4, 2021)
<u>D-38</u>	Hidalgo County, Declaring a Local State of Disaster (Aug. 2, 2021)
<u>D-39</u>	Hidalgo County, Press Release: Hidalgo County Judge Declares Local State of Disaster Because of Growing Numbers of Migrants Seeking Asylum (Aug. 2, 2021)
<u>D-40</u>	New York Times, Migrant Families Force Biden to Confront New Border Crisis (Feb. 6, 2021)
<u>D-41</u>	FOX News, Number of COVID-Positive Migrants Released in Texas Surges, Officials Say (Mar. 8, 2021)
<u>D-42</u>	Washington Post, ICE Deportations Fell in April to Lowest Monthly Level on Record (May 5, 2021)
<u>D-43</u>	AP News, EXPLAINER: How Do Border Policies Affect US Infection Rates? (Aug. 9, 2021)
<u>D-44</u>	NBC News Report – COVID Positive Rates for Migrants Leaving Border Patrol Custody
<u>D-45</u>	FOX News Report – COVID Positive Migrants Released into the City of McAllen, TX
<u>D-46</u>	FOX News Report – COVID Cases Among Migrants in RGV Surge 900%
<u>D-47</u>	FOX News Report – Border Patrol Official Expects More Than 1 Million Migrant Encounters This Year
D-48	U.S. Immigration and Customs Enforcement, 2012-2021 Budget Data
D-49	U.S. Immigration and Customs Enforcement, 2012-2021 Removal Data

No.	DESCRIPTION OF EXHIBITS
<u>D-50</u>	ICE Detention Standard regarding Medical Care
D-51	August 1, 2021, Email from Laredo Health Authority to Office of the Attorney General

Date: August 11, 2021

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN

BRENT WEBSTER
First Assistant Attorney General

Deputy Attorney General for Special Litigation
Tx. State Bar No. 00798537

JUDD E. STONE II
Solicitor General
Tx. State Bar No. 24076720

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Tx. State Bar No. 24088531

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410
judd.stone@oag.texas.gov
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on August 11, 2021, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN