

STAYED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Laredo)  
CIVIL DOCKET FOR CASE #: 5:20-cv-00106**

Zapata County, Texas et al v. Joseph R. Biden Jr., et al.  
Assigned to: Judge Diana Saldana  
Referred to: Magistrate Judge Diana Song Quiroga  
Cause: 28:2201 Declaratory Judgment

Date Filed: 07/06/2020  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Zapata County, Texas**

represented by **Jose Vela , III**  
Walker Gates Vela PLLC  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Melissa Cigarroa**

represented by **Jose Vela , III**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Carlos Evaristo Flores**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**CCMD, LLC**

represented by **Jose Vela , III**  
(See above for address)  
*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Carlos Evaristo Flores**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**George C Rincon**

represented by **Jose Vela , III**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Carlos Evaristo Flores**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Joseph R Biden, Jr**  
*President of the United States*

represented by **Philip Conner Kirtley**  
United States Attorney's Office  
Laredo Division  
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*LEAD ATTORNEY*  
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**Eric Paxton Warner**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Troy Miller**  
*as the Acting Commissioner of the U. S.  
 Customs and Border Protection*

represented by **Philip Conner Kirtley**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Eric Paxton Warner**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**John Albert Smith , III**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Alejandro Mayorkas**  
*Secretary of the Department of Homeland  
 Security*

represented by **Philip Conner Kirtley**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Eric Paxton Warner**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**John Albert Smith , III**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/06/2020	<a href="#">1</a>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0541-24889819) filed by Zapata County, Texas, George C Rincon, CCMD, LLC, Melissa Cigarroa. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7)(Flores, Carlos) (Entered: 07/06/2020)
07/09/2020	<a href="#">2</a>	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # <a href="#">1</a> Summons, # <a href="#">2</a> Summons, # <a href="#">3</a> Summons)(Flores, Carlos) (Entered: 07/09/2020)
07/09/2020	<a href="#">3</a>	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # <a href="#">1</a> Summons)(Flores, Carlos) (Entered: 07/09/2020)
07/10/2020		Summons Issued as to Mark A. Morgan, Donald J Trump, Chad F. Wolf, Civil Process Clerk. & William Barr Issued summons delivered to plaintiff in person, filed.(mxperez,

		5) (Entered: 07/10/2020)
08/06/2020	<a href="#">4</a>	RETURN of Service of SUMMONS Executed as to Chad F. Wolf served on 7/15/2020, answer due 9/14/2020, filed.(Flores, Carlos) (Entered: 08/06/2020)
08/06/2020	<a href="#">5</a>	RETURN of Service of SUMMONS Executed as to All Defendants, filed.(Flores, Carlos) (Entered: 08/06/2020)
08/06/2020	<a href="#">6</a>	RETURN of Service, filed.(Flores, Carlos) (Entered: 08/06/2020)
08/06/2020	<a href="#">7</a>	RETURN of Service, filed.(Flores, Carlos) (Entered: 08/06/2020)
08/06/2020	<a href="#">8</a>	RETURN of Service of SUMMONS Executed as to All Defendants, filed.(Flores, Carlos) (Entered: 08/06/2020)
08/27/2020	<a href="#">9</a>	MOTION for Jose "Chito" Vela, III to Appear Pro Hac ViceMotions referred to John A Kazen. by CCMD, LLC, Melissa Cigarroa, George C Rincon, Zapata County, Texas, filed. Motion Docket Date 9/17/2020. (Flores, Carlos) (Entered: 08/27/2020)
08/28/2020	<a href="#">10</a>	ORDER granting <a href="#">9</a> Motion for Jose "Chito" Vela III to Appear Pro Hac Vice. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 08/28/2020)
09/14/2020	<a href="#">11</a>	MOTION to Dismiss <a href="#">1</a> Complaint, by Donald J Trump, Chad F. Wolf, Mark A. Morgan filed. Motion Docket Date 10/5/2020. (Attachments: # <a href="#">1</a> Exhibit 1-12, # <a href="#">2</a> Exhibit 13, # <a href="#">3</a> Exhibit 14, # <a href="#">4</a> Exhibit 15, # <a href="#">5</a> Proposed Order)(Kirtley, Philip) Modified on 9/15/2020 (dmorales, 5). (Entered: 09/14/2020)
09/15/2020	<a href="#">12</a>	NOTICE of Appearance by E. Paxton Warner on behalf of Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. (Warner, Eric) (Entered: 09/15/2020)
09/15/2020	<a href="#">13</a>	NOTICE of Appearance by John A. Smith, III on behalf of Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. (Smith, John) (Entered: 09/15/2020)
10/05/2020	<a href="#">14</a>	First AMENDED COMPLAINT with Jury Demand against All Defendants filed by Zapata County, Texas, George C Rincon, CCMD, LLC, Melissa Cigarroa. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit A-1, # <a href="#">3</a> Exhibit A-2, # <a href="#">4</a> Exhibit 1, # <a href="#">5</a> Exhibit 2, # <a href="#">6</a> Exhibit 3, # <a href="#">7</a> Exhibit 4, # <a href="#">8</a> Exhibit 5, # <a href="#">9</a> Exhibit 6, # <a href="#">10</a> Exhibit 7, # <a href="#">11</a> Exhibit 8, # <a href="#">12</a> Exhibit 9, # <a href="#">13</a> Exhibit 10, # <a href="#">14</a> Exhibit 11, # <a href="#">15</a> Exhibit 12, # <a href="#">16</a> Exhibit 13, # <a href="#">17</a> Exhibit 14, # <a href="#">18</a> Exhibit 15, # <a href="#">19</a> Exhibit 16)(Flores, Carlos) (Entered: 10/05/2020)
10/05/2020	<a href="#">15</a>	Opposed RESPONSE in Opposition to <a href="#">11</a> MOTION to Dismiss <a href="#">1</a> Complaint, , filed by CCMD, LLC, Melissa Cigarroa, George C Rincon, Zapata County, Texas. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit A-1, # <a href="#">3</a> Exhibit A-2, # <a href="#">4</a> Exhibit 1, # <a href="#">5</a> Exhibit 2, # <a href="#">6</a> Exhibit 3, # <a href="#">7</a> Exhibit 4, # <a href="#">8</a> Exhibit 5, # <a href="#">9</a> Exhibit 6, # <a href="#">10</a> Exhibit 7, # <a href="#">11</a> Exhibit 8, # <a href="#">12</a> Exhibit 9, # <a href="#">13</a> Exhibit 10, # <a href="#">14</a> Exhibit 11, # <a href="#">15</a> Exhibit 12, # <a href="#">16</a> Exhibit 13, # <a href="#">17</a> Exhibit 14, # <a href="#">18</a> Exhibit 15, # <a href="#">19</a> Proposed Order)(Flores, Carlos) (Entered: 10/05/2020)
10/14/2020	<a href="#">16</a>	Unopposed MOTION for Extension of Time FOR DEFENDANTS TO RESPOND TO PLAINTIFFS' AMENDED COMPLAINTMotions referred to John A Kazen. by Mark

		A. Morgan, Donald J Trump, Chad F. Wolf, filed. Motion Docket Date 11/4/2020. (Attachments: # <a href="#">1</a> Proposed Order)(Kirtley, Philip) (Entered: 10/14/2020)
10/15/2020	<a href="#">17</a>	ORDER. Finding good cause, the Court GRANTS Defendants' Unopposed <a href="#">16</a> Motion to Extend Time for Defendants to Respond to Plaintiffs' Amended Complaint. Accordingly, Defendants' deadline to file an answer or otherwise respond to Plaintiffs' First Amended Complaint <a href="#">14</a> is extended from October 19 to November 4, 2020. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 10/15/2020)
11/04/2020	<a href="#">18</a>	Amended MOTION to Dismiss <a href="#">14</a> Amended Complaint/Counterclaim/Crossclaim etc.,, by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. Motion Docket Date 11/25/2020. (Attachments: # <a href="#">1</a> Exhibit 1-15, # <a href="#">2</a> Proposed Order)(Kirtley, Philip) (Entered: 11/04/2020)
11/18/2020	<a href="#">19</a>	NOTICE by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. (Kirtley, Philip) (Entered: 11/18/2020)
11/23/2020	<a href="#">20</a>	NOTICE by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Kirtley, Philip) (Entered: 11/23/2020)
11/24/2020	<a href="#">21</a>	Opposed RESPONSE in Opposition to <a href="#">18</a> Amended MOTION to Dismiss <a href="#">14</a> Amended Complaint/Counterclaim/Crossclaim etc.,, filed by CCMD, LLC, Melissa Cigarroa, George C Rincon, Zapata County, Texas. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit A-1, # <a href="#">3</a> Exhibit A-2, # <a href="#">4</a> Exhibit 1, # <a href="#">5</a> Exhibit 2, # <a href="#">6</a> Exhibit 3, # <a href="#">7</a> Exhibit 4, # <a href="#">8</a> Exhibit 5, # <a href="#">9</a> Exhibit 6, # <a href="#">10</a> Exhibit 7, # <a href="#">11</a> Exhibit 8, # <a href="#">12</a> Exhibit 9, # <a href="#">13</a> Exhibit 10, # <a href="#">14</a> Exhibit 11, # <a href="#">15</a> Exhibit 12, # <a href="#">16</a> Exhibit 13, # <a href="#">17</a> Exhibit 14, # <a href="#">18</a> Exhibit 15, # <a href="#">19</a> Exhibit 16, # <a href="#">20</a> Proposed Order Proposed Order)(Flores, Carlos) (Entered: 11/24/2020)
11/25/2020	<a href="#">22</a>	Unopposed MOTION for Extension of Time FOR DEFENDANTS TO REPLY TO PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINTMotions referred to John A Kazen. by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. Motion Docket Date 12/16/2020. (Attachments: # <a href="#">1</a> Proposed Order)(Kirtley, Philip) (Entered: 11/25/2020)
11/27/2020	<a href="#">23</a>	ORDER Granting <a href="#">22</a> Unopposed MOTION for Extension of Time FOR DEFENDANTS TO REPLY TO PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT (Responses due no later than 12/15/2020)(Signed by Magistrate Judge Diana Song Quiroga) Parties notified. (mmarquez, 5) (Entered: 11/27/2020)
12/14/2020	<a href="#">24</a>	Unopposed MOTION for Extension of Time FOR DEFENDANTS TO REPLY TO PLAINTIFFS RESPONSE TO DEFENDANTS MOTION TO DISMISS AMENDED COMPLAINTMotions referred to Diana Song Quiroga. by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. Motion Docket Date 1/4/2021. (Attachments: # <a href="#">1</a> Proposed Order)(Kirtley, Philip) (Entered: 12/14/2020)
12/22/2020	<a href="#">25</a>	REPLY in Support of <a href="#">18</a> Amended MOTION to Dismiss <a href="#">14</a> Amended Complaint/Counterclaim/Crossclaim etc.,, filed by Mark A. Morgan, Donald J Trump, Chad F. Wolf. (Attachments: # <a href="#">1</a> Exhibit 1)(Kirtley, Philip) (Entered: 12/22/2020)

12/29/2020	<a href="#">26</a>	SURREPLY to <a href="#">18</a> Amended MOTION to Dismiss <a href="#">14</a> Amended Complaint/Counterclaim/Crossclaim etc., , filed by CCMD, LLC, Melissa Cigarroa, George C Rincon, Zapata County, Texas. (Attachments: # <a href="#">1</a> Exhibit 17)(Flores, Carlos) (Entered: 12/29/2020)
01/12/2021	<a href="#">27</a>	ORDER. Due to the Courts own oversight, Defendants motion went unaddressed. Nevertheless, Defendants filed their Reply in Support of their Amended Motion to Dismiss on December 22, 2020. (Dkt. 25.) But for its oversight, the Court would have timely granted Defendants second, unopposed motion for an extension. Accordingly, the Court retroactively grants the motion. (Signed by Magistrate Judge Diana Song Quiroga) Parties notified.(RobertTenorio, 5) (Entered: 01/12/2021)
01/21/2021	<a href="#">28</a>	Per ORDER Dkt. No. <a href="#">30</a> , this Notice is WITHDRAWN AND STRICKEN from the record. *****NOTICE by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. (Attachments: # <a href="#">1</a> Exhibit 1)(Kirtley, Philip) Modified on 1/27/2021 (mmarquez, 5). (Entered: 01/21/2021)
01/21/2021	<a href="#">29</a>	Unopposed MOTION to Withdraw <a href="#">28</a> Notice (Other) Motions referred to Diana Song Quiroga. by Mark A. Morgan, Donald J Trump, Chad F. Wolf, filed. Motion Docket Date 2/11/2021. (Attachments: # <a href="#">1</a> Proposed Order)(Kirtley, Philip) (Entered: 01/21/2021)
01/27/2021	<a href="#">30</a>	ORDER Granting <a href="#">29</a> Unopposed MOTION to Withdraw <a href="#">28</a> Notice. After reviewing the Motion, it is ORDERED that the Defendant's Notice <a href="#">28</a> is WITHDRAWN and STRICKEN from the record and that Defendants be substituted. (Signed by Magistrate Judge Diana Song Quiroga) Parties notified. (mmarquez, 5) (Entered: 01/27/2021)
02/10/2021	<a href="#">31</a>	ORDER FOR JOINT ADVISORY The parties are hereby ORDERED to issue a joint advisory regarding the status of this case and the propriety of staying the proceedings until March 21, 2021. The parties shall issue the advisory by no later than February 26, 2021. (Signed by Magistrate Judge Diana Song Quiroga) Parties notified.(dmorales, 5) (Entered: 02/10/2021)
02/26/2021	<a href="#">32</a>	ADVISORY by Joseph R Biden, Jr, Troy Miller, David Pecoske, filed.(Kirtley, Philip) (Entered: 02/26/2021)
03/01/2021	<a href="#">33</a>	ORDER STAYING CASE until May 21, 2021. It is further ORDERED that Parties file a joint advisory regarding the status of this case on or before May 21, 2021 re: <a href="#">32</a> Advisory.(Signed by Judge Diana Saldana) Parties notified.(vcantu, 5) (Entered: 03/01/2021)
05/21/2021	<a href="#">34</a>	ADVISORY by Joseph R Biden, Jr, Alejandro Mayorkas, Troy Miller, filed.(Kirtley, Philip) (Entered: 05/21/2021)
05/24/2021	<a href="#">35</a>	ORDER. For the foregoing reasons, the instant case, Civil Action 5:20-CV-106, is hereby STAYED until July 20, 2021. It is further ORDERED that Parties file a joint advisory regarding the status of this case on or before July 20, 2021. (Signed by Judge Diana Saldana) Parties notified.(sgonzalez, 5) (Entered: 05/24/2021)
07/19/2021	<a href="#">36</a>	ADVISORY by Joseph R Biden, Jr, Alejandro Mayorkas, Troy Miller, filed.(Kirtley, Philip) (Entered: 07/19/2021)

07/20/2021	<a href="#">37</a>	ORDER This case is hereby STAYED until September 20, 2021. it is further ORDERED that Parties file a joint advisory regarding the status of this case on or before September 20, 2021. (Signed by Judge Diana Saldana) Parties notified. (dmorales, 5) (Entered: 07/20/2021)
09/20/2021	<a href="#">38</a>	ADVISORY by Joseph R Biden, Jr, Alejandro Mayorkas, Troy Miller, filed.(Kirtley, Philip) (Entered: 09/20/2021)
09/21/2021	<a href="#">39</a>	ORDER STAYING CASE RE: <a href="#">38</a> . This case is hereby STAYED until November 19, 2021. It is further ORDERED that the Parties file a joint advisory regarding the status of this case on or before November 19, 2021. (Signed by Magistrate Judge Diana Song Quiroga) Parties notified.(vcantu, 5) (Entered: 09/21/2021)
11/19/2021	<a href="#">40</a>	ADVISORY by Joseph R Biden, Jr, Alejandro Mayorkas, Troy Miller, filed.(Kirtley, Philip) (Entered: 11/19/2021)
11/22/2021	<a href="#">41</a>	NOTICE of Setting. Parties notified. Status Conference set for 12/9/2021 at 09:00 AM in by video before Magistrate Judge Diana Song Quiroga, filed. (DanyaGarza, 5) (Entered: 11/22/2021)
11/24/2021		Status Conference set for December 9, 2021 before Judge Song Quiroga is terminated. Hearing to be set before District Judge Saldana; date to be announced. (FernandoVilla, 5) (Entered: 11/24/2021)
12/06/2021	<a href="#">42</a>	ORDER Denying <a href="#">11</a> MOTION to Dismiss <a href="#">1</a> Complaint, , Denying <a href="#">18</a> Amended MOTION to Dismiss <a href="#">14</a> Amended Complaint/Counterclaim/Crossclaim etc.,, and Denying joint request for a status conference and a scheduling conference for additional debriefing <a href="#">40</a> . The deadline for Defendants' Motion to Dismiss, if they choose to file such a motion, is December 27, 2021. Parties request for a status conference is DENIED at this time. IT IS SO ORDERED. (Signed by Judge Diana Saldana) Parties notified.(mmarquez, 5) (Entered: 12/06/2021)
12/27/2021	<a href="#">43</a>	Renewed MOTION to Dismiss <i>Amended Comlaint</i> by Joseph R Biden, Jr, Alejandro Mayorkas, Troy Miller, filed. Motion Docket Date 1/18/2022. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7) (Kirtley, Philip) (Entered: 12/27/2021)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/17/2022 14:58:25			
<b>PACER Login:</b>	ab4959:3680577:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	5:20-cv-00106
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60