

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHANNON PEREZ, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
v.	§	CIVIL ACTION NO.
	§	11-CV-360-OLG-JES-XR
STATE OF TEXAS, ET AL.	§	CONSOLIDATED ACTION
	§	[Lead case]
Defendants	§	

**TEXAS LATINO REDISTRICTING TASK FORCE, ET AL. AND MALC
PLAINTIFFS’ RESPONSE IN OPPOSITION TO THE UNITED STATES’S
MOTION FOR LEAVE TO FILE RESPONSIVE BRIEFING
CONCERNING SECTION 3(C) RELIEF**

Plaintiffs Texas Latino Redistricting Task Force, *et al.* (“Task Force Plaintiffs”) and the Mexican American Legislative Caucus (“MALC”) submit this joint response in opposition to the motion of Plaintiff United States for leave to file responsive briefing concerning Section 3(c) relief [Dkt. 1609]. Task Force Plaintiffs and MALC respectfully request that the Court deny the request to file untimely briefing.

The United States should have filed any briefing on the issue of relief under Section 3(c) of the Voting Rights Act by November 30, 2018. The Court ordered the following with regard to briefing regarding the issue on August 30, 2018:

Numerous Plaintiffs have indicated that they are continuing to seek relief under Section 3(c) of the Voting Rights Act and ask the Court to set a briefing schedule. Plaintiffs’ briefs on the issue of 3(c) relief shall be due no later than November 30, 2018. Defendants’ responsive briefing shall be due January 15, 2019.

Dkt. 1600 at 3. According to the Order, any brief by the United States was due on November 30,

2018, because the United States is a Plaintiff.¹

Contrary to the assertion in the United States motion for leave, the Court made no distinction between “private Plaintiffs” and the United States. [Dkt. 1609 at 2]. The United States mischaracterizes the Court’s order when it claims that the “Court ordered that *such* Plaintiffs’ briefs on the issue of Section 3(c) relief ‘should be due no later than November 30, 2018.’” (emphasis added) [Dkt. 1609 at 1]. The Court did not indicate in its Order that only Plaintiffs seeking 3(c) relief should file by November 30, 2018, or that any party opposing 3(c) relief has until January 15, 2019, to submit a brief. The latter deadline for responsive briefing only applied to Defendants. If there was any confusion on the part of the United States, it had three months from the time of the order to seek clarification of which deadline applied to it.

In addition to the failure of the United States to submit briefing on 3(c) relief in a timely fashion, its motion for leave fails because under Local Rule CV-7(b), “an executed copy of the proposed pleading, motion, or other submission shall be filed as an exhibit to the motion for leave.” The United States did not file its proposed 3(c) brief as an exhibit to this motion.

For the foregoing reasons, Task Force Plaintiffs and MALC respectfully request that the Court deny the United States leave to file briefing regarding Section 3(c) relief.

DATED: January 16, 2019

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

/s/ Nina Perales

¹ The United States moved to intervene “as a plaintiff in the instant litigation” on August 22, 2013. Dkt. 871 at 1. The Court granted the United States’s motion to intervene as a Plaintiff on September 24, 2013, stating that at the time of the motion, “[a]lthough other Plaintiffs are pursuing § 3(c) relief, the United States is entitled to participate by asserting its own claims.” Dkt. 904 at 7, 11. The United States has not moved to realign as a Defendant-Intervenor.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2019, I served a copy of the foregoing document on all counsel who are registered to receive NEFs through this Court's CM/ECF system. All attorneys who are not registered to receive NEFs have been served via email.

/s/ Ernest I. Herrera

Ernest I. Herrera