

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

EDGAR GARCES ROBLES; RAMIRO :
SOTO ALTAMIRANO; JUAN JOSE SOTO :
HERNANDEZ; RODOLFO RUIZ DE LA CRUZ :

Plaintiffs,

v.

MARIA RAMIREZ, in her individual :
capacity; JOHN CIRONE, in his individual :
capacity; FELIPE GONZALEZ, in his individual :
capacity; RONNY TAYLOR, in his individual :
capacity; KINNEY COUNTY; BRAD COE, in :
his individual capacity; RICARDO :
“RICK” ALVARADO, in his individual :
capacity; VAL VERDE COUNTY; JOE FRANK :
MARTINEZ, in his individual :
capacity; and RECANA SOLUTIONS, LLC :

Defendants.

Civil Action No. 1:23-cv-981

**COMPLAINT
JURY TRIAL DEMANDED**

INTRODUCTION

1. A person arrested for misdemeanor trespass in Texas usually will not incur much, if any, time incarcerated. But for the same alleged offense, a person in Val Verde or Kinney Counties is subject to arrest, remote processing, and detention in far-flung state prisons, whether or not they are prosecuted or found guilty.

2. As part of a campaign called “Operation Lone Star” (“OLS”), Val Verde and Kinney Counties are two among dozens of counties near to and far from the United States-Mexico border where Texas Governor Greg Abbott has, every month since May 2021, renewed a monthly “disaster” declaration underpinning the Governor’s border politics and policy. The multi-billion-dollar OLS apparatus includes designating counties of disaster, deploying law enforcement

officers to border communities, arresting individuals under threat of enhanced penalties, commandeering public parks and private property, and laying miles of razor wire along the banks of the Rio Grande and in the river's waters. So that migrants will know coming to Texas is dangerous, Governor Abbott will make it so.

3. From the start of OLS, the governor has articulated a policy of “catch[ing] and jail[ing]” migrants in order to deter and delay them from presenting their claims to federal law enforcement. In its design and execution, “catch and jail” metes out incarceration; due process is at most an afterthought. Foreseeably, if not intentionally, the scheme has violated the human and civil rights of hundreds, if not thousands, of people.

4. Plaintiffs Edgar Garces Robles, Ramiro Soto Altamirano, Juan Jose Soto Hernandez, and Rodolfo Ruiz de la Cruz were arrested on allegations of trespassing in Val Verde and Kinney counties. As each was accused of trespassing in a newly minted “disaster” area, they were subjected to the OLS penological infrastructure as it was being built around them: they were detained, processed, and magistrates in a “temporary” processing center in a tent in a parking lot; transported from there to quickly-converted state prisons over one hundred miles away; subject to weeks and months of pretrial detention; and, when Texas law commanded their release, they were *overdetained*. Even following days or weeks of overdetention in state prisons, they were released into handcuffs and shackles, transported another one hundred miles, and deprived of their liberty until they were finally presented to federal immigration facilities.

5. Defendants—state and county officials tasked with different and overlapping roles in the OLS criminal legal system—designed and administered the catch and jail scheme. They held Plaintiffs pretrial for weeks or months for the alleged offense of misdemeanor trespass. Then, three Plaintiffs' charges were dismissed, and one Plaintiff pled guilty to misdemeanor trespass in

exchange for time served and the promise of immediate release. Defendants nonetheless did not release Plaintiffs.

6. In Texas, state law commands that all people in state custody must be released immediately upon dismissal of their charges or expiration of their sentences. Defendants knew or should have known this core principle: it was their duty, for which they received public trust and money, to discharge it. But Defendants intentionally or with deliberate indifference continued to deny Plaintiffs their liberty after they had lost any shadow of their legal authority to do so. As a result, Plaintiffs suffered physical and emotional injury. This case seeks damages and related appropriate relief for Defendants' overdetention of Plaintiffs.¹

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over Plaintiffs' claims under the United States Constitution and 42 U.S.C. § 1983, 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil rights). This Court has supplemental jurisdiction over Plaintiffs' state law claims under 28 U.S.C. § 1367(a).

8. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) because all Defendants are residents of the state of Texas, and at least one Defendant resides in the Western District of Texas. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

¹ Plaintiffs do not challenge their underlying arrest and detention or the disposition of their charges. "Overdetention" refers to their continued detention after Texas law mandated their release.

PARTIES

I. Plaintiffs

9. Plaintiff Edgar Garces Robles² is a 31-year-old resident of Coahuila, Mexico. He has a minor son and daughter. Mr. Garces Robles was arrested for misdemeanor trespass in Val Verde County on September 30, 2021. He was detained at the Val Verde Temporary Processing Center (“VVTPC”), a makeshift jail created for the sole purpose of processing individuals arrested under OLS.³ At VVTPC, a magistrate presiding by video found probable cause to detain him on the trespass charge and set money bail in the amount of \$2,500. Officers then transported Mr. Garces Robles nearly 150 miles to a state prison in Dilley, Texas, the Dolph Briscoe Unit (“Briscoe Prison”), which had recently been converted by the Texas Department of Criminal Justice (“TDCJ”) to incarcerate OLS detainees.⁴ Several months later, on January 10, 2022, the misdemeanor trespass charge—the only charge which had been lodged against him—was dismissed. Nonetheless, Mr. Garces Robles was not released from Briscoe Prison until at least 19 days later, on or after January 29, 2022. Then, TDCJ officers handcuffed him and transported him back to VVTPC. From the VVTPC, he was transported to a federal immigration facility.

10. Plaintiff Ramiro Soto Altamirano is a 28-year-old resident of Coahuila, Mexico. He has a minor daughter. On August 30, 2021, while traveling with his mother, father, and sister, Mr. Soto Altamirano and his father were arrested for misdemeanor trespass. Mr. Soto Altamirano was detained at the VVTPC, where a magistrate presiding over a video feed found probable cause to

² In Val Verde County court documents and detention administrators’ records, Mr. Garces Robles is referred to as Mr. “Garcez-Robles” and identified as having been born in 1999.

³ The temporary processing center has been in operation for over two years.

⁴ Prior to its use as a misdemeanor pretrial detention facility for people arrested under Operation Lone Star, Briscoe Prison exclusively detained people convicted of felony offenses and sentenced to hard labor in the state penitentiary.

detain him and set money bail in the amount of \$ 2,000. He was then transported to Briscoe Prison. The Val Verde County Attorney declined to prosecute Mr. Soto Altamirano on September 14, 2021, and notified the VVTPC. At that time, there were no charges pending against Mr. Soto Altamirano. Nonetheless, Defendants did not release Mr. Soto Altamirano until at least 42 days later, on or after October 26, 2021. On that date, prison guards instructed him to gather his things, handcuffed him, and transported him back to the VVTPC. From the VVTPC, he was transported by guards to a federal immigration facility.

11. Plaintiff Juan Jose Soto Hernandez is a 54-year-old resident of Coahuila, Mexico. He is Mr. Soto Altamirano's father. On August 30, 2021, while traveling with his wife, son, and daughter, Mr. Soto Hernandez and his son were arrested for misdemeanor trespass. Mr. Soto Hernandez was detained at the VVTPC, where a magistrate presiding over a video feed found probable cause to justify Mr. Soto Hernandez's continued detention on a misdemeanor trespass charge and set money bail in the amount of \$2,000. He was transported to Briscoe Prison. The Val Verde County Attorney declined to prosecute Mr. Soto Hernandez on September 14, 2021, formally dismissing the only charge pending against him and notifying the VVTPC. Like his son, however, he was not released until at least 42 days later, on October 26, 2021. Then, he was handcuffed and transported back to VVTPC. After the VVTPC, he was transported to a federal immigration facility.

12. Plaintiff Rodolfo Ruiz de la Cruz is a 57-year-old resident of Coahuila, Mexico. Mr. Ruiz de la Cruz was arrested alongside his adult son for misdemeanor trespass in Kinney County.⁵ Following his arrest on September 24, 2021, he was detained at the VVTPC until his magistration,

⁵ Mr. Rodolfo Ruiz de la Cruz's son, Christian Ivan Ruiz-Rodriguez, has filed claims relating to his own arrest and detention. His experience is described in *Sanchez-Jimenez, et al. v. McCraw, et al.*, Case No. 1:22-cv-00397-RP, ECF No. 49 (W.D. Tex. May 25, 2023).

where a magistrate presiding over a video feed found probable cause to justify Mr. Ruiz de la Cruz's continued detention on a misdemeanor trespass charge and set money bail in the amount of \$2,500. He was transported to Briscoe Prison, and then, without his son, transported another nearly two hundred miles to the Manuel A. Segovia Unit in Edinburg, Texas ("Segovia Prison").⁶ Mr. Ruiz de la Cruz was not taken before a judge for his first post-magistration appearance until 110 days after his arrest. On January 12, 2022, he was promised immediate release in exchange for pleading no contest to the misdemeanor trespass charge. He received a sentence of 80 days incarceration and credit for time served. Although he was entitled to immediate release, he was not released until at least 13 days later, on January 25, 2022. Then, released in handcuffs and with shackles on his feet, he was transported directly to a federal immigration facility.

II. Defendants

13. Defendant Joe Frank Martinez is and was at all relevant times the Sheriff of Val Verde County, Texas. Defendant Martinez's is ensuring that individuals in county custody are lawfully detained under the U.S. and state constitutions and applicable laws and that individuals are timely released from custody after all lawful authority to hold them has expired. Defendant Martinez is responsible for and has the power and authority to implement and change Val Verde County policies, practices, and customs in the exercise of these duties. At all times relevant to the instant action, Defendant Martinez was acting under the color of state law. He is sued in his individual capacity.

14. Defendant Val Verde County is a political subdivision of the State of Texas with its county seat in Del Rio, Texas. Val Verde County is responsible for the policies, practices, and/or customs

⁶ Prior to its use as a misdemeanor pretrial detention facility for people arrested under Operation Lone Star, TDCJ used Segovia Prison to house people convicted of felony offenses and sentenced to hard labor in the state penitentiary.

involved in the detention and release of people arrested in Val Verde County, including under OLS. Val Verde County initiated and was responsible for the prosecution and detention of Plaintiffs Garces Robles, Soto Hernandez, and Soto Altamirano.

15. Defendant Brad Coe is and was at all relevant times the sheriff of Kinney County, Texas. Defendant Coe is responsible for formulating, implementing, and executing the policies, practices, and customs applicable to those detained under the authority of Kinney County. He has the duty to ensure that individuals in county custody are lawfully detained under the U.S. and Texas constitutions and applicable laws and that they are timely released from custody. Defendant Coe has the power and authority to implement and change county policies, practices, and customs to ensure that individuals held in his custody are treated in accordance with the Constitution and applicable laws, including, specifically, with respect to release from custody. At all relevant times, Defendant Coe was acting under the color of state law. He is sued in his individual capacity.

16. Defendant Ricardo “Rick” Alvarado is and was at all relevant times the county clerk of Kinney County, Texas. Defendant Alvarado is responsible for formulating, implementing, and/or allowing policies, customs, and practices applicable to people prosecuted and detained under the authority of Kinney County, including in the discharge of routine duties and specifically with respect to release from custody. Defendant Alvarado has the power and authority to change policies, practices, and/or customs to ensure compliance with the Constitution and applicable laws. At all relevant times, Defendant Alvarado was acting under the color of state law. He is sued in his individual capacity.

17. Defendant Kinney County is a political subdivision of the State of Texas with its county seat in Brackettville. Kinney County initiated and was responsible for the prosecution and incarceration of Plaintiff Ruiz de la Cruz and is responsible for the policies, practices and/or

customs involved in detention, prosecution, and release of people arrested in Kinney County, including under OLS.

18. Defendant Maria Ramirez was the senior warden of the Briscoe Prison from January 2021 until approximately December 2021. During her tenure as senior warden, Defendant Ramirez was a supervisory official responsible for devising, implementing, and executing policies, practices, and customs applicable to Briscoe Prison. Defendant Ramirez was responsible for ensuring that all individuals in TDCJ's physical custody at Briscoe Prison were lawfully detained under the U.S. and state constitutions and applicable laws, including that individuals were timely released from custody. She had the duty to train and supervise Briscoe Prison staff. At all relevant times, Defendant Ramirez was acting under the color of state law. She is sued in her individual capacity.

19. Defendant John Cirone has been the senior warden of the Briscoe Prison since on or about January 2, 2022. As senior warden and a supervisory official, Defendant Cirone is responsible for formulating, implementing, and executing policies, practices, and customs applicable to Briscoe Prison. Defendant Cirone's had that all individuals in TDCJ's physical custody at Briscoe Prison are lawfully detained under the U.S. and state constitutions and applicable laws and that individuals are timely released from custody. He had the duty to train and supervise the Briscoe Prison staff. He has the power and authority to change policies, practices, and customs. At all relevant times, Defendant Cirone was acting under the color of state law. He is sued in his individual capacity.

20. Defendant Felipe Gonzalez is and was at all relevant times the senior warden of the Segovia Prison. As senior warden and a supervisory official, Defendant Gonzalez is responsible for formulating, implementing, and changing policies, practices, and customs applicable to the Segovia Prison. Defendant Gonzalez's has the duty to ensure that all individuals in TDCJ's

physical custody at Segovia Prison are lawfully detained under the U.S. and state constitutions and applicable laws and that individuals are timely released from custody. He is responsible for training and supervising Segovia Prison staff. He has the power and authority to change policies, practices, and customs. At all times relevant to this complaint, Defendant Gonzalez was acting under the color of state law. He is sued in his individual capacity.

21. Defendant Ronny Taylor was hired by the Texas Division of Emergency Management (“TDEM”) to help design, administer, and operate the VVTPC, including the processes involved at the VVTPC for intake and release. Defendant Taylor operated the VVTPC from around July to November 2021. From approximately September 2021 through the end of November 2021, he operated the VVTPC in conjunction with Defendant Recana Solutions, LLC. During these times, Defendant Taylor was responsible for formulating, implementing, and executing policies, customs, and practices applicable to the VVTPC. Defendant Taylor’s responsibilities included ensuring that all individuals detained under the “catch and jail” program were timely released from custody. He was responsible for training and supervising VVTPC staff. He had the authority to design, implement, and change policies, customs, and practices. At all relevant times, Defendant Taylor acted under the color of state law. He is sued in his individual capacity.

22. Defendant Recana Solutions, LLC (“Recana”) is a corporation organized and existing under the laws of the state of Texas, with its principal place of business in Dallas, Texas. Recana is a government contracting and staffing company. It operated the VVTPC with Defendant Taylor from around September 2021 through November 2021 and independently thereafter. Throughout its administration of the VVTPC, Recana acted pursuant to a contract with TDEM and under the color of state law.

LEGAL BACKGROUND

23. There is a “clearly established right to timely release from prison.” *Crittindon v. LeBlanc*, 37 F.4th 177, 188 (5th Cir. 2022). This right arises under the Due Process Clause and the Fourth Amendment. *See id.*; *see also Manuel v. City of Joliet*, 580 U.S. 357, 360 (2017).

24. In Texas, the concurrent duty to effect an individual’s timely release falls on the county sheriff. Per state statute, “[t]he sheriff of each county is the keeper of the county jail. The sheriff shall safely keep all prisoners committed to the jail by a lawful authority, subject to an order of the proper court. . . . The sheriff may appoint a jailer to operate the jail and meet the needs of the prisoners, but the sheriff shall continue to exercise supervision and control over the jail.” Tex. Loc. Gov’t Code § 351.041.

25. Accordingly, county sheriffs cannot hold individuals in custody past the time their sentences have expired, or charges have been dropped. Further, county sheriffs must affirmatively ensure that individuals within their custody are timely released.

26. Texas law provides clear direction for the release of “[a] defendant who has remained in jail the length of time required by the judgment and sentence.” The individual “shall be discharged.” Tex. Code Crim. Proc. Art. 43.13(a)–(c); *see also* 37 Tex. Admin. Code § 267.6(a). The sheriff or jail administrator “shall release a defendant at any time beginning at 6 a.m. and ending at 5 p.m. *on the day the defendant discharges the defendant’s sentence.*” Tex. Code Crim. Proc. Art. 43.13(c) (emphasis added); Tex. Admin. Code § 267.6. There are exceptions allowing for earlier release. *Id.* But no exception allows the sheriff or jail administrator to retain a defendant in custody following the date of discharge.

27. In addition to release upon the discharge of one’s sentence, it has been well established under Texas law for more than 130 years that, following dismissal of charges, “there [is] no

authority under our statute to hold the defendant in custody.” *Venters v. State*, 18 Tex. App. 198, 210 (Tex. Ct. App. 1885); *see also Ex parte Minus*, 37 S.W.2d 1040 (Tex. Crim. App. 1931) (following dismissal of prosecution, “there is no custody, or right to the custody, of the accused”); *Smith v. State*, 801 S.W. 2d 629, 631 (Tex. Ct. App. 1991) (“When a trial court empowered with jurisdiction over a criminal case sustains a motion to dismiss an indictment or information, the accused is discharged[.]). *See also Whirl v. Kern*, 407 F.2d 781, 791 n.10 (5th Cir. 1968) (“A nolle prosequi terminates a prosecution, and there is no longer any legal authority to detain the accused in custody.”).

FACTUAL ALLEGATIONS

I. Operation Lone Star and the “Catch and Jail” Program

28. Beginning in March 2021, Texas Governor Greg Abbott deployed state police and Texas National Guard troopers to South Texas in an anti-immigrant initiative. He called this initiative OLS.

29. In July 2021, Governor Abbott called for a new program dedicated to “catching and jailing” perceived migrants. The goal of OLS generally, and the “catch and jail” program specifically, is to leverage “disaster”-enhanced state executive power to indirectly police migration. By declaring a “disaster” under the Texas Disaster Act in May 2021—authority the governor might otherwise use locally to respond to, *inter alia*, droughts, wildfires, or freezing temperatures—the governor purported to empower counties near to and far from the border to ratchet up arrests and penalties for offenses allegedly committed within them. Defendants Val Verde and Kinney Counties were among the first “disaster” designated counties, and for several months they were the only counties participating in the “catch and jail” program.⁷ Although “disaster” declarations expire after one

⁷ *See, e.g.*, Lomi Kriel and Perla Trevizo, *Gov. Greg Abbott brags about his border initiative. The evidence doesn’t back him up.*, Texas Tribune and Pro Publica, March 21, 2022 (“Until this year,

month, *see* Tex. Gov't Code Ch. 418, the governor has renewed the declaration every single month since May 2021.

30. Both Val Verde County and Kinney counties worked with various state agencies, including the Department of Public Safety (“DPS”), TDCJ, and TDEM, as well as Recana, in furtherance of the catch and jail program’s goals. Individually and together, they have endeavored to erect a separate penological infrastructure for OLS arrestees. As Governor Abbott explained in September 2021, the month most Plaintiffs were arrested, “[w]hat we have done is we actually created additional jail cells and we created a court system down in South Texas. We are arresting people coming across the border illegally, and we are jailing them in jails in the state of Texas, sending the message that if they come across the border in the state of Texas, they’re not going to be caught and released like under the Biden administration, they’re going to be spending time behind bars.”⁸

A. Arrests Under the “Catch and Jail” Program

31. First, state police and county law enforcement officers target individuals for arrest, overwhelmingly on the basis of state misdemeanor trespass on privately owned parcels along the border.⁹ Arrests under the “catch and jail” program in Val Verde and Kinney counties are primarily conducted by DPS and each county’s Sheriff’s Office.

Val Verde and Kinney were the only two counties prosecuting people crossing into the country through private property for trespassing.”).

⁸Greg Abbott (@GregAbbott_TX), X (Sept. 28, 2021, 10:51 AM), https://twitter.com/GregAbbott_TX/status/1442879549692338191 (sharing an interview in which he provides this statement at 0:46–1:25).

⁹ The location of the majority of arrests has varied over time, with state officers at least influencing where individuals may enter the United States and, therefore, where they may be arrested for trespass. For example, in the summer of 2023, the majority of OLS arrests occurred in Shelby Park, Eagle Pass, Maverick County, on the basis of a now-rescinded mayoral affidavit authorizing OLS arrests for trespassing on public property. Ricardo E. Calderon, *Eagle Pass City Council Unanimously Approves to Rescind Criminal Trespass Affidavit Signed by Mayor Designating Shelby Park as ‘Private Property*, Eagle Pass Business Journal, August 1, 2023. Elsewhere, officers direct migrants to narrow openings in state-lain concertina wire, where state officers wait

32. While misdemeanor trespass, particularly near the boundary lines of agricultural land, would not normally permit prosecutors to seek jail time, the governor’s disaster enhancements purportedly enable arresting officers to arrest and detain migrants in a way federal law would otherwise prohibit.¹⁰

33. Regardless of where officers arrest them, individuals arrested for misdemeanor trespass under the OLS system are transported to OLS processing facilities like the VVTPC.

B. Booking and Magistration Under the OLS System

34. Second, arrestees are transported to a temporary processing center created specifically for OLS detainees.¹¹

35. The VVTPC was built on a parking lot owned by Val Verde County. It consists of a large tent and a trailer. Individuals arrested under the “catch and jail” program are booked and magistered via a video feed inside the trailer.¹²

to arrest migrants for trespass on private property. *See* Amrutha Jindal (@AmruthaJindal), X (Aug. 16, 2023, 2:32 PM), <https://twitter.com/AmruthaJindal/status/1691895651737448712>.

¹⁰ Trespass in Texas is typically a Class B misdemeanor. Tex. Penal Code § 30.05(d)(1). Trespass is a Class C misdemeanor if committed on agricultural land within one hundred feet of a property boundary line. *Id.* § 30.05(d)(2). Class C misdemeanors can be sentenced by a fine of up to \$500, but not jail time. Tex. Penal Code § 12.23. Most traffic tickets are Class C misdemeanors. In the “catch and jail” context, however, trespass may be considered a Class A offense and subject to enhanced penalties for offenses occurring in disaster areas. Tex. Penal Code § 12.50(b)(7). Governor Abbott specifically invoked these enhancements in his May 2021 declaration of a “disaster.” *See* Gov. Greg Abbott, Proclamation by the Governor of the State of Texas, May 31, 2021.

¹¹ At the time of Plaintiffs’ arrests, all arrestees were processed at the VVTPC. Texas has since opened additional processing facilities exclusively for individuals arrested as part of Texas’s immigration policing. *See Press Release: Governor Abbott Opens Operation Lone Star Jail Booking Facility in Jim Hogg County*, Office of the Texas Governor, Feb. 8, 2022.

¹² Magistration—an appearance before a magistrate judge—is “the initiation of adversary judicial proceedings.” *Spielbauer v. State*, 634 S.W.3d 962, 966 (Tex. Ct. App. 2021) (citing *Pecina v. State*, 361 S.W.3d 68, 77 (Tex. Crim. App. 2012)). Magistration is where the magistrate judge makes a probable cause determination and fixes the amount and type of bail. *See Rothgery v. Gillespie Cty.*, 554 U.S. 191, 195 (2008) (describing this practice). Pursuant to Texas law, at magistration the magistrate must inform the arrested individual “of the accusation against him . . .

36. From the initial rollout of the “catch and jail” effort until around November 2021, Defendant Ronny Taylor, under contract with TDEM, was responsible for operating the VVTPC.

37. In September 2021, Defendant Recana began to operate the VVTPC in conjunction with Defendant Taylor. In late November 2021, Defendant Recana took over responsibility for operating the VVTPC.

38. At all relevant times, Defendant Recana operated the VVTPC pursuant to a contract with TDEM. Those of Defendant Recana’s employees who worked at the VVTPC were licensed to do so by the Texas Commission on Law Enforcement.

C. Detention in Briscoe and Segovia Prisons

39. Third, OLS arrestees are transported to state prisons converted to function as county jails for the sole purpose of detaining individuals arrested under OLS.

40. To initiate the process, the county sheriff of the county where each individual is arrested sends a letter to the TDCJ. The letter formally requests that TDCJ house the individual on the sheriff’s behalf and affirms that the sheriff retains authority over time calculation and release.

41. After the VVTPC, all Plaintiffs were initially transported to the Briscoe Prison in Dilley, Texas, administered by the TDCJ.

42. Some individuals, including Plaintiff Ruiz de la Cruz, who are initially detained at the Briscoe Prison, are transferred to the Segovia Prison in Edinburg, Texas.

43. Unlike other misdemeanor arrestees in Texas, no one detained under the “catch and jail” program in Kinney County or Val Verde County is held in a county jail facility. Conversely, in no other circumstances are people arrested on state misdemeanor charges in Texas detained in state

his right to retain counsel . . . [and] his right to have an examining trial,” among other duties. Tex. Code of Crim. Proc. Art. 15.17(a).

prisons. Individuals detained under the “catch and jail” program are held at the Briscoe Prison or the Segovia Prison for the entirety of their pretrial and/or post-conviction detention.¹³

D. OLS Prosecutions

44. Fourth, arrestees are subject to prosecution by the county attorney of the county where they were arrested, which works alongside a Border Prosecution Unit funded by the state.

45. Defense against prosecution is also separately provided, with counsel assigned pursuant to procedures specifically established for OLS system arrestees.

46. OLS cases are often set on the remote dockets of visiting judges specifically assigned to oversee cases in the OLS system. Rather than local voters, the state and participating counties exercise control over who may—and who may no longer—serve as a judge in this scheme.¹⁴

47. Court for the “catch and jail” program typically happens through videoconferencing, with all parties appearing on video feeds from separate locations that are often far from the U.S.-Mexico border.

E. Transportation from Briscoe and Segovia Prisons

48. After their release from state custody, individuals detained under the OLS system are typically not free to leave the prisons where they are held. Instead, they are transported by TDCJ officers with a DPS escort back to VVTPC. Back at the VVTPC, individuals are typically in custody until they are transported to U.S. immigration facilities.

49. Plaintiffs Garces Robles, Soto Altamirano, and Soto Hernandez, who were detained at the Briscoe prison, were first transported from the prison back to the VVTPC before being transported

¹³ According to reporting, Texas has since opened additional prison space to incarcerate OLS detainees. See Jolie McCullough, *Facing sex discrimination claims, Texas begins jailing migrant women under border crackdown*, Tex. Tribune, July 26, 2023.

¹⁴ See Jolie McCullough, *Hundreds of migrants accused of trespassing languish in Texas prisons. A county judge’s new approach might prolong their detention.*, Texas Tribune, Dec. 10, 2021.

to a U.S. Customs and Border Protection (“CBP”) facility. Plaintiff Ruiz de la Cruz, who was ultimately detained at Segovia Prison, was directly transferred to CBP.

II. Defendants Unconstitutionally Overdetained Plaintiffs

A. Defendants Regularly Overdetain Individuals Arrested Under the Catch and Jail Program

50. Defendants’ release procedures for OLS arrestees unlawfully deprived Plaintiffs of their liberty even after state law commanded their release and there was no longer any authority to restrain them.

51. On information and belief, Defendants additionally overdetained at least 80 people at approximately the same time that they overdetained Plaintiffs, from late September 2021 to January 2022.

52. At the time of Plaintiffs’ overdetention, all Defendants knew that individuals were regularly overdetained under the “catch and jail” program.

53. Defendant Taylor testified at a contempt hearing on June 2, 2022, that, during the relevant time period, it was “not uncommon” to receive emails from defense attorneys explaining that their clients were entitled to release and suffering ongoing overdetention. Defendant Taylor testified that he normally forwarded these emails to the county responsible for that individual’s detention, including Val Verde and Kinney Counties. Defendant Taylor further testified that he normally forwarded these requests to TDCJ employees at Briscoe and Segovia Prisons.

54. On information and belief, during the relevant time period, Defendant Taylor regularly forwarded correspondence about overdetention to Defendants Coe, Alvarado, Martinez, Ramirez, Cirone, and Gonzalez.

55. On information and belief, during the relevant time period, Defendant Recana regularly received emails from Defendant Taylor forwarding correspondence from defense attorneys stating that their clients were being overdetained.

56. On information and belief, Recana itself forwarded correspondence from defense attorneys stating that their clients were being overdetained to Defendants Coe, Alvarado, Martinez, Ramirez, Cirone, and Gonzalez.

57. On information and belief, during the relevant time period, Defendants Ramirez, Cirone, and Gonzalez regularly received complaints about overdetention from people detained under the “catch and jail” program, both verbally and through the inmate grievance system.

58. In addition to the factual notice Defendants received, occurrences of overdetention were sufficiently widespread, persistent, and reported upon that Defendants should have known about the overdetention of people in their custody.¹⁵

59. Notwithstanding their knowledge, Defendants failed to prevent or remedy the policies, practices, and customs which caused Plaintiffs’ overdetention, and continued to take actions which contributed to the same.

B. Plaintiffs Suffered Harm Due to Their Unlawful Overdetention

60. Each Plaintiff was unconstitutionally overdetained. Each suffered harm from the days and weeks they were denied their liberty.

1. Plaintiff Edgar Garces Robles

61. Plaintiff Edgar Garces Robles was overdetained for at least 19 days.

62. As described above, he was arrested for alleged misdemeanor trespass in Val Verde County on September 30, 2021. Detained pretrial at Briscoe Prison for over one hundred days, the

¹⁵ See Suzanne Gamboa, *Hundreds ordered released as Texas border operation comes under fire*, NBC News, September 28, 2021.

misdemeanor trespass charge against him was dismissed on January 10, 2022. At that point there were no remaining charges against him. He received a court order directing his release the same day. Mr. Garces Robles' court-appointed defense attorney told him his charges had been dismissed and that he was due to be released.

63. He was not released. On January 28, 2022, his defense attorney contacted staff at Briscoe Prison, TDCJ, VVTPC, and Val Verde County Attorney David Martinez, to demand his immediate release.

64. On January 29, 2022, officers handcuffed Mr. Garces Robles and transported him from Briscoe Prison to back to the VVTPC. From VVTPC, he was transported to a CBP facility.

65. For nearly three weeks, Mr. Garces Robles was deprived of his liberty in violation of the Due Process Clause and the Fourth Amendment.

66. During that time, he was separated from his then-pregnant wife and son. Detained and in the dark—his cell block had no electric light from December to January—he felt anguish. He felt impotent and powerless and like he did not know what was happening or how much longer he would be incarcerated. He hoped each day that he would be released to return to his family.

67. Mr. Garces Robles spoke on the phone with his wife and son during the time he was overdetailed. His son cried during their conversations. Mr. Garces Robles wanted to be present for the birth of his second child and worried he would not be.

68. Finally, officers took him from his cell. He was once again handcuffed and ordered into a TDCJ transport vehicle. He was transported for over two hours back to the VVTPC. From the VVTPC, he was transported to a federal immigration facility.

2. Plaintiff Ramiro Soto Altamirano

69. Plaintiff Ramiro Soto Altamirano was overdetailed at least 42 days.

70. Mr. Soto Altamirano and his father were arrested in Val Verde County on August 30, 2021, on state misdemeanor trespass charges. Following their arrest, they were detained pretrial at Briscoe Prison. On September 14, 2021, the Val Verde County Attorney sent a letter to Defendant Ronny Taylor stating that the office was declining to prosecute the cases against Mr. Soto Hernandez and Mr. Soto Altamirano. The letter further recommended that the men be released from custody immediately. At that time, there were no charges pending against either of them.

71. Weeks later, on October 26, 2021, their court-appointed defense attorney contacted staff at Defendant Martinez's office, TDCJ, as well as Defendant Taylor at the VVTPC, to ask that they be released. That same day, Mr. Soto Hernandez and Mr. Soto Altamirano were handcuffed and transported by TDCJ officers with a DPS escort from Briscoe Prison to the VVTPC. After the VVTPC, they were transported to a federal immigration facility.

72. In the weeks he was overdetained beyond his entitlement to release, Mr. Soto Altamirano was separated from his wife and young daughter. Although he was at Briscoe Prison with his father, they were housed in different cells and rarely saw each other. During his incarceration he did not get enough food and was regularly awoken early. He was rarely permitted to be outside and saw little sunlight. He worried for his father, already on in years, who looked depressed during their infrequent sightings.

73. The experience was a surprise, something he could never have imagined happening in the United States. In prison, he had no hope on any given day that he would be freed, nor any hope or expectation as to when that day might come. If he had been free, he would have gone to be with his family, wife, and child.

3. Plaintiff Juan José Soto Hernandez

74. Mr. Soto Hernandez was overdetained for at least 42 days.

75. Mr. Soto Hernandez and his son were arrested in Val Verde County on August 30, 2021, on state misdemeanor trespass charges. Following their arrest, they were detained pretrial at Briscoe Prison. On September 14, 2021, the Val Verde County Attorney sent a letter to Defendant Ronny Taylor stating that the office was declining to prosecute the cases against Mr. Soto Hernandez and Mr. Soto Altamirano. The letter further recommended that the men be released from custody “immediately.” At that time, there were no more charges pending against them.

76. On October 26, 2021, his court-appointed defense attorney contacted staff at Defendant Martinez’s office, the TDCJ, as well as Defendant Taylor, to ask that he be released.

77. That same day, Mr. Soto Hernandez and Mr. Soto Altamirano were transported from Briscoe Prison to the VVTPC.

78. In the weeks he was overdetained, Mr. Soto Hernandez was separated from his wife and adult daughter, with whom he lives. Although they had been traveling together, his wife and daughter had been presented to federal immigration officers while he and his son were funneled into OLS detention. Mr. Soto Hernandez felt sad about his own confinement and worried over his son. He prayed they would be released. He felt miserable, desperate, and lost. He had limited access to the outside and to sunlight. He felt anxious about his family, and particularly worried about the impact of their separation on his granddaughter, Mr. Soto Altamirano’s daughter. She asked for the men often. Mr. Soto Hernandez also worried that Mr. Soto Altamirano’s continued detention was placing financial stress on his family. The family’s financial position worsened every day that the men remained in jail.

79. Overdetention created prolonged feelings of powerlessness and desperation for Mr. Soto Hernandez.

4. Plaintiff Rodolfo Ruiz de la Cruz

80. Plaintiff Rodolfo Ruiz de la Cruz was overdetailed for at least 13 days.

81. Mr. Ruiz de la Cruz was arrested in Kinney County on September 24, 2021, on a misdemeanor trespass charge. He was unable to afford bail and was therefore detained in prison pretrial on the misdemeanor charge for 110 days after his arrest. Then, when he was told that he could plead “no contest” and receive a sentence of 80 days with credit for time served, entitling him to immediate release from prison, he accepted the offer.

82. On January 11, in advance of Mr. Ruiz de la Cruz’s anticipated plea, Mr. Ruiz de la Cruz’s court-appointed defense attorney sent his plea documents to Kinney County officials, including the county attorney. At least one individual on the email thread acknowledged receipt of the plea documents. The next day, Mr. Ruiz de la Cruz pled no contest. His sentence was 80 days with credit for time served. On information and belief, a court order directing Mr. Ruiz de la Cruz’s release was produced that same day.

83. On January 18, six days after Mr. Ruiz de la Cruz pled no contest, his court-appointed counsel received an email from Mr. Ruiz de la Cruz’s family stating that he was still in custody. That night, his counsel emailed the Kinney County attorney and an additional Border Prosecution Unit attorney, alerting them that Mr. Ruiz de la Cruz was still in custody. Mr. Ruiz de la Cruz’s counsel did not receive a response from either the Kinney County attorney or the Border Prosecution Unit attorney. On January 20, Mr. Ruiz de la Cruz’s counsel again alerted the Kinney County attorney and the Border Prosecution Unit attorney to Mr. Ruiz de la Cruz’s continued detention. Both assured her that they were looking into the matter. On January 21, Mr. Ruiz de la Cruz’s counsel followed up with both attorneys. They responded saying they were looking into the situation. On January 24, Mr. Ruiz de la Cruz’s counsel again emailed the two attorneys,

indicating that she had received no explanation as to why he was still in custody. On January 25, Mr. Ruiz de la Cruz's counsel appeared in court via teleconference and made a record concerning Mr. Ruiz de la Cruz's Overdetention, in spite of the fact that the case was not on the court calendar.

84. Later that day, on January 25, 2022, Mr. Ruiz de la Cruz was transported from Segovia Prison. He was handcuffed, shackled, and aggressively placed in a transport vehicle. He was transported to a federal immigration facility.

85. While overdetained, Mr. Ruiz de la Cruz alerted a jailer to the fact that he was supposed to have been released from custody because he had served his full sentence. He asked why he had not been released and was not given an answer.

86. During the time that he was overdetained, Mr. Ruiz de la Cruz talked on the phone with his daughter. She was worried about him. Mr. Ruiz de la Cruz tried to reassure her, while at the same time harboring his own doubts about whether and when he would be free. He felt demoralized, worried, regretful, and fatigued. He felt he could not take being incarcerated any longer. He fell physically ill and attributed his illness to the fact that in winter, Segovia Prison guards forced him to stand and walk in straight lines through standing water to and from the cafeteria, leaving him drenched and cold. He was in pain. In response to increasing dental pain, medical staff offered only to remove his damaged teeth, without offering to heal or replace them. He declined. Hungry, and regularly given only 10 to 15 minutes to eat, he got sicker from eating the food at the prison. He requested simple foods, like sandwiches or fruit, but he was not given any. He felt that all he could do was wait.

C. Defendants' Policies and Practices Caused Plaintiffs' Overdetention

87. Defendants knowingly and intentionally adopted and implemented policies and promulgated practices and customs that resulted in Plaintiffs' overdetection.

1. Val Verde County

88. Plaintiffs Garces Robles, Soto Altamirano, and Soto Hernandez were in the legal custody of Defendant Martinez of Val Verde County.

89. Defendant Martinez is responsible for ensuring the lawful detention and release of individuals in his custody.

a. Failures of Legal and Effective Process for “Catch and Jail” Arrestees Predictably Cause Overdetention

90. Defendant Martinez’s policies, practices, and/or customs resulted in the 19-day overdetention of Plaintiff Garces Robles, the 42-day overdetention of Plaintiff Soto Hernandez, and the 42-day overdetention of Plaintiff Soto Altamirano.

91. In addition to failing to implement safeguards necessary to assure timely release, Defendant Martinez designed and implemented a circuitous and delayed process for the release of OLS arrestees. For OLS arrestees, unlike other arrestees in Val Verde County, release orders are sent from the court to the VVTPC. The VVTPC and/or Martinez send the release orders to the TDCJ prison holding the person. The TDCJ warden has the release paperwork signed by the person to be released. The TDCJ warden sends the executed release paperwork back to the VVTPC for review. The VVTPC physically delivers the release paperwork to Defendant Martinez. On information and belief, Defendant Martinez then instructs the jail to release the individual. Then, TDCJ officials further restrain and transport individuals back to the VVTPC, where they are not released except to federal immigration facilities. This process can take several days to weeks, assuming it is initiated, and is subject to delay at each stage.

92. This process is different, slower, and less accurate than the release process for non-OLS arrestees from Val Verde County, whether those arrestees are released from pretrial detention or following completion of a misdemeanor sentence.

93. This process had the predictable and demonstrated consequence of causing Plaintiffs and other individuals held under the “catch and jail” program to be overdettained. The process is neither reasonable nor necessary.

b. Defendant Martinez, A Val Verde County Policymaker, Is Aware of and Deliberately Indifferent to Overdetention

94. Defendant Martinez is a final policymaker for Defendant Val Verde County regarding law enforcement, detention, and release decisions.

95. Defendant Martinez designed the release procedures for persons arrested in Val Verde County under the “catch and jail” program and held pursuant to Val Verde County authority. Defendant Martinez implements these procedures.

96. Defendant Martinez was aware of, and/or deliberately indifferent to, overdettention resulting from his policies, practices, and/or customs regarding release of individuals dettained on misdemeanor trespass charges under the “catch and jail” program.

97. Despite this awareness, at all relevant times Defendant Martinez failed to implement simple safeguards mandated by state law to prevent and quickly remedy overdettention.

2. Kinney County

98. Plaintiff Ruiz de la Cruz was in the legal custody of Defendant Coe of Kinney County.

99. Defendant Coe is responsible for ensuring the release of individuals in his legal custody when the law provides for them to be released.

a. Defendant Alvarado’s Custom or Practice of Finalizing Plea Paperwork Days to a Week After the Plea and Imposition of Sentence, and Defendant Coe’s Choice to Rely on Defendant Alvarado’s Plea Paperwork Process to Determine Release, Predictably Causes Overdetention

100. Defendant Alvarado is the County Clerk of Kinney County, Texas.

101. After an individual has pled guilty, Defendant Alvarado is responsible for finalizing plea paperwork by stamping it, filing it for the record, and returning it to the Kinney County Court for transmission to Defendant Coe.

102. Plea paperwork contains an individual's sentence and the information necessary for the individual's sentence and date of release to be calculated.

103. Defendant Alvarado receives plea paperwork from the presiding court.

104. Defendant Coe decides whether a person should be released upon receipt of paperwork in the person's case that has been stamped as final by the Clerk and transmitted to him by the Court.

105. Defendant Alvarado has a policy, practice and/or custom of delay in stamping plea paperwork and filing it to the record, allowing for some acts to take days to weeks after pleas take place. Defendant Alvarado has a policy, custom, and/or practice of *not* promptly stamping and filing paperwork for the record on the day that a plea occurs, even if that plea would result in immediate release. Such a delay in turn causes the transmission of plea paperwork to Defendant Coe to be delayed by days to weeks, because paperwork cannot be transmitted until the Clerk stamps it.

106. During a court proceeding in January 2022 concerning the active overdetention of Plaintiff Rodolfo Ruiz de la Cruz and his son, an individual identified in the transcript as a "coordinator" explained that plea paperwork for Operation Lone Star cases was not being sent out automatically. Instead, it was being sent out days to a week later, in part because the Clerk's office took an indeterminate number of days to stamp the plea paperwork in each case.

107. In Mr. Ruiz de la Cruz's case, Defendant Alvarado stamped the time served plea paperwork and filed it for the record 14 days after the plea was entered.

108. Following receipt of stamped paperwork, Defendant Coe was required to determine Mr. Ruiz de la Cruz's entitlement to release.

109. Defendant Coe is aware, at minimum from the face of the plea paperwork he eventually receives, that Defendant Alvarado's policy results in plea paperwork not being transmitted to him for days to weeks after a person has become entitled to release.

110. On information and belief, Defendant Coe has not made any adjustment to account for Defendant Alvarado's policy of finalizing plea paperwork days to weeks after the plea has been entered.

111. These policies, customs, and/or practices have the known and obvious consequence of resulting in overdetention.

112. Defendants Alvarado's and Coe's policies, practices, and customs resulted in the 13-day Overdetention of Plaintiff Ruiz de la Cruz.

b. Defendant Coe's Complicated Release Process for Individuals Detained Under the "Catch and Jail" Program Predictably Causes Overdetention

113. Defendant Coe's policies, customs, and/or practices applied to Mr. Ruiz de la Cruz's release and caused his overdetention.

114. Following the policies, customs, and/or practices described above, Defendant Coe layered additional unnecessarily prolonged processes prior to releasing individuals detained for misdemeanor trespass under the OLS "catch and jail" program.

115. Once he receives it, Defendant Coe sends stamped released paperwork to the VVTPC administrators. Someone at the VVTPC sends the release orders to the TDCJ prison in which the person to be released is held. The TDCJ warden has the release paperwork signed by the person to be released. TDCJ then physically delivers the signed release paperwork back to the VVTPC. The

VVTPC once again processes the signed release paperwork. The VVTPC physically returns it to Defendant Coe. Only then are individuals released from prison, typically into handcuffs and TDCJ transportation units. Individuals are then transported back to the VVTPC or directly to federal immigration facilities.

116. On information and belief, this process is different, slower, and less accurate than the release process for anyone else released from Kinney County custody on criminal charges unrelated to the “catch and jail” program, whether from pretrial detention or following completion of a misdemeanor sentence.

117. In sum, Defendant Coe has implemented and overseen a process—unique to those detained in his custody in furtherance of the OLS system—under which necessary release paperwork passes through at least five layers of review, sometimes more than once, before honoring an individual’s rights to release.

118. This procedure has the known and obvious consequence of causing individuals held under the “catch and jail” program to be overdeterred. It is neither a reasonable nor a necessary process.

c. Defendant Coe’s Policy, Practice, and/or Custom of Holding Individuals Indefinitely to Effect Deportation Predictably Causes Overdetention

119. Defendant Coe’s receipt of the release paperwork described above does not guarantee release. Instead, Defendant Coe has a policy, practice, and/or custom of holding individuals with a release order indefinitely for the purpose of effecting their deportation.

120. *After* the judge orders release, Defendant Coe has a policy, practice, and/or custom of creating additional delays. Specifically, Defendant Coe has testified to contacting Immigration and Customs Enforcement (“ICE”) prior to permitting the release of any individuals held under the “catch and jail” program. Defendant Coe asks ICE whether it has issued a detainer against the individual at any point in the past. If ICE has never issued a detainer against that individual,

Defendant Coe asks ICE if they would like to do so. If ICE does not wish to do so, Defendant Coe requests formal paperwork from ICE confirming the decision. Defendant Coe has stated that this process can take days or weeks.

121. Defendant Coe knows or should know that such overdetention is not authorized by federal law, where ICE detainers authorize detention up to 48 hours following the time an individual is entitled to release. 8 C.F.R. § 287.7 (“Upon a determination by the Department to issue a detainer . . . such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays[.]”).

122. On information and belief, Defendant Coe’s policy, practice, and/or custom of holding individuals indefinitely even after they have received a release order for the purpose of effecting their deportation resulted in the 13-day overdetention of Mr. Ruiz de la Cruz.

d. Kinney County Policymakers Are Aware of and Deliberately Indifferent to Overdetention Beyond the Time Authorized by Law

123. Defendant Coe is a final policymaker for Defendant Kinney County regarding law enforcement, detention, and release decisions.

124. Defendant Coe designed and implemented the release procedures for persons arrested in Kinney County under the “catch and jail” program and held by Kinney County’s purported authority.

125. Defendant Alvarado is the final policymaker for Defendant Kinney County in matters related to processing court records.

126. Defendant Alvarado is responsible for generating case disposition paperwork including by creating sentencing documents showing someone has pled no contest or guilty, was convicted, and was sentenced to credit for time served. Defendant Alvarado is also responsible for transmitting

that documentation to relevant parties, including to the Kinney County Court, which in turn sends the paperwork to Defendant Coe.

127. Defendants Coe and Alvarado are both final policymakers for Defendant Kinney County regarding the policies, practices, and/or customs that resulted in Plaintiffs' illegal detention.

128. Defendants Coe and Alvarado were both aware of, and deliberately indifferent to, the overdetention resulting from their policies, practices, and/or customs regarding release of individuals detained on misdemeanor trespass charges under the "catch and jail" program.

3. TDCJ

a. Defendants Ramirez's, Cirone's, and Gonzalez's Failure to Timely Process Release Paperwork Predictably Causes Overdetention

129. Defendants Ramirez and Cirone respectively served as the senior wardens at Briscoe Prison during all relevant times.

130. As jail administrators, Defendants Ramirez and Cirone were responsible with the Kinney County and Val Verde County Sheriff for ensuring that persons in their custody were timely released.

131. Defendant Ramirez had physical custody of Plaintiffs Soto Altamirano and Soto Hernandez at the time they were overdetained.

132. Defendant Cirone had physical custody of Plaintiff Garces Robles at the time he was overdetained.

133. Defendant Gonzalez served as the senior warden of the Segovia Prison at all relevant times.

134. Defendant Gonzalez had physical custody of Plaintiff Ruiz de la Cruz at the time he was overdetained.

135. Defendants Ramirez, Cirone, and Gonzalez were supervisory officials at their respective prisons responsible for creating and implementing and maintaining or changing internal policies

for processing the release of individuals detained under the “catch and jail” program in Briscoe Prison and Segovia Prison pursuant to the release procedures created by Kinney County and Val Verde County.

136. On information and belief, these release procedures included reviewing and processing release paperwork, arranging for detained individuals to sign their release paperwork, and then sending the signed paperwork to the VVTPC. They also included coordinating transportation and transfer of custody.

137. On information and belief, Defendants Ramirez and Cirone created and implemented policies at Briscoe Prison that resulted in release paperwork being processed days to weeks after being received.

138. On information and belief, Defendant Gonzalez created and implemented policies at Segovia Prison that resulted in release paperwork being processed days to weeks after being received.

139. On information and belief, Defendant Ramirez’s policies, practices, and/or customs were applicable to Mr. Soto Hernandez and Mr. Soto Altamirano’s release and caused their overdetention. Defendant Ramirez’s policies, practices, and/or customs caused Mr. Soto Hernandez’s and Mr. Soto Altamirano’s overdetention.

140. On information and belief, Defendant Cirone’s policies, practices, and/or customs were applicable to Mr. Garces Robles’s release. Defendant Cirone’s policies, practices, and/or customs caused Mr. Garces Robles’s overdetention.

141. On information and belief, Defendant Gonzalez’s policies, practices, and/or customs were applicable to Mr. Ruiz de la Cruz’s release and caused his overdetention.

142. Defendants Ramirez, Cirone, and Gonzalez were aware of, or deliberately indifferent to, overdeterrence resulting from their policies, practices, and/or customs regarding detention and release of individuals captured by the “catch and jail” program.

143. Defendant Ramirez was aware of the overdeterrence of multiple individuals because she received: documentation from the Kinney County Attorney dismissing the cases against individuals; correspondence about overdeterrence from attorneys; and an order from a judge directing that she release individuals to their attorneys without further delay or transportation.

4. Ronny Taylor and Recana

144. Defendants Taylor and/or Recana operated the VVTPC at all relevant times based on a contract with TDEM.

145. Defendants Taylor and Recana were, pursuant to the procedures of Defendant Counties, responsible for creating and implementing internal policies for processing the detention and release of individuals detained under the “catch and jail” program.

146. On information and belief, these release procedures included reviewing and processing release paperwork and sending paperwork to the wardens of Briscoe and Segovia prisons and the Kinney and Val Verde County Sheriffs. On information and belief, Defendants Taylor and Recana created and implemented policies at the VVTPC that resulted in release paperwork being processed days to weeks after being received.

147. Further, unlike non-OLS Val Verde and Kinney County arrestees, OLS arrestees typically are not free to leave and are transported back to the VVTPC after their release, where they are not free to leave, and they remain in a cell until they are transported to federal immigration facilities.

148. On information and belief, Defendants Taylor’s and/or Recana’s policies, practices, and/or customs were applicable to all Plaintiffs’ release and caused all Plaintiffs’ overdeterrence.

CLAIMS FOR RELIEF

Count 1 - Violation of Due Process; Fourteenth Amendment, 42 U.S.C. § 1983

(By Plaintiff Garces Robles against Defendants Martinez, Cirone, and Recana)

(By Plaintiffs Soto Altamirano and Soto Hernandez against Defendants Martinez, Ramirez,
Taylor, and Recana)

(By Plaintiff Ruiz de la Cruz against Defendants Coe, Alvarado, Gonzalez, and Recana)

149. All of the foregoing allegations are incorporated by reference.

150. The Fourteenth Amendment to the U.S. Constitution bars state actors from “depriv[ing] any person of life, liberty, or property, without due process of law.”

151. Defendants knew or should have known that detention of a person absent pending criminal charges or an operative sentence, including beyond the expiration of a term of imprisonment, violates the Fourteenth Amendment’s due process guarantee, including as far as it violates the commands of the Texas Constitution and criminal laws.

152. Defendants Gonzalez, Cirone, Ramirez, Taylor, Coe, Alvarado, Martinez, and Recana had actual knowledge that people in their custody were regularly overdetained for days or weeks after charges had been dismissed or beyond the expiration of their terms of imprisonment.

153. Notwithstanding the knowledge that their policies, practices, customs, and actions predictably and regularly resulted in overdetention, Defendants took no remedial steps to systemically prevent and effectively eliminate overdetention. Defendants’ inaction and continued acts in furtherance of their policies, practices, and customs amounted to deliberate indifference to the violation of the constitutional rights of people in their custody.

154. As set forth above, Defendants Gonzalez, Cirone, Ramirez, Taylor, Coe, Alvarado, Martinez, and Recana caused Plaintiffs’ overdetention.

155. The unlawful deprivation of Plaintiffs’ liberties injured Plaintiffs’ inherent rights and dignity. Plaintiffs also suffered financial losses, mental anguish, emotional distress, humiliation, and pain and suffering as a result of their overdetention.

Count 2 - Violation of Due Process; Fourteenth Amendment, 42 U.S.C. § 1983 against Kinney and Val Verde Counties

(By Plaintiff Ruiz de la Cruz against Defendant Kinney County)

(By Plaintiffs Garces Robles, Soto Altamirano, and Soto Hernandez against Defendant Val Verde County)

156. All of the foregoing allegations are incorporated by reference.

157. Defendants Alvarado, Coe, and Martinez are policymakers for Kinney and Val Verde counties, respectively.

158. The Fourteenth Amendment to the U.S. Constitution bars state actors from “depriv[ing] any person of life, liberty, or property, without due process of law.”

159. Defendants Alvarado, Coe, and Martinez knew or should have known that detention of a person without legal authority, including without pending criminal charges or following completion of a sentence, violates the Fourteenth Amendment’s due process guarantee.

160. Defendants Alvarado, Coe, and Martinez and other county officials had actual knowledge that people in their custody were regularly detained without legal authority, after charges had been dismissed or beyond the expiration of their terms of imprisonment, in violation of due process.

161. This overdetection of people in Defendants counties’ custody occurred so regularly that it reflected and constituted a widespread practice or custom.

162. Notwithstanding the knowledge that their custom or practice violated due process for Plaintiffs and others, Defendants Alvarado, Coe, and Martinez and counties failed to implement policies to systemically prevent or eliminate overdetection. Defendants’ inaction amounted to deliberate indifference to the foreseeable and known violation of the constitutional rights of people in their custody.

163. The loss of their liberty harmed Plaintiffs' inherent rights and dignity. Plaintiffs additionally suffered financial losses, mental anguish, emotional distress, humiliation, and pain and suffering as a result of their overdetention.

Count 3 - Violation of Fourth Amendment, 42 U.S.C. § 1983

(By Plaintiff Garces Robles Against Defendants Martinez, Cirone, and Recana)

(By Plaintiff Soto Altamirano and Soto Hernandez Against Defendants Martinez, Ramirez, Taylor, and Recana)

(By Plaintiff Ruiz de la Cruz Against Defendants Coe, Gonzalez, and Recana)

164. All of the foregoing allegations are incorporated by reference.

165. The Fourth Amendment protects against unreasonable seizures. A seizure is unreasonable if it is not supported by probable cause.

166. Defendants knew or should have known that continuing to deprive Plaintiffs of their liberty and restrict their movement and activities after their charges had been dismissed or their sentences had been served constituted a seizure.

167. Defendants had actual and constructive knowledge that people in their custody were regularly detained without legal authority, after charges had been dismissed or beyond the expiration of their terms of imprisonment. These types of unconstitutional seizures of people in Defendants' custody occurred so regularly that they constituted a widespread practice or custom.

168. Defendants' policies, practices, and/or customs caused Plaintiffs to be seized without legal authority, after charges had been dismissed or beyond the expiration of their terms of imprisonment. Defendants knew or should have known that there was no lawful basis to further deprive Plaintiffs of their liberty. Nonetheless, Defendants continued to restrain Plaintiffs. Plaintiffs were not free to leave the places where they were incarcerated, and Defendants purported to control their rights and liberties within and beyond Briscoe and Segovia Prisons.

169. Defendants took no or insufficient remedial steps to systemically prevent and effectively eliminate the policies and practices that predictably caused Plaintiffs' overdetention. Such inaction amounted to deliberate indifference to the violation of the constitutional rights of people in their custody.

170. Defendants' violation of Plaintiffs' constitutional rights harmed Plaintiffs' liberty and dignity. Plaintiffs also suffered financial losses, mental anguish, emotional distress, humiliation, and pain and suffering as a result of their unconstitutional seizure.

Count 4 - Violation of Fourth Amendment, 42 U.S.C. § 1983 against Kinney and Val Verde Counties

(By Plaintiff Ruiz de la Cruz against Defendant Kinney County)

(By Plaintiffs Garces Robles, Soto Altamirano, and Soto Hernandez against Defendant Val Verde County)

171. All of the foregoing allegations are incorporated by reference.

172. The Fourth Amendment protects against unreasonable seizures. A seizure is unreasonable if it is not supported by probable cause.

173. Defendants Coe and Martinez are policy makers for Kinney County and Val Verde County, respectively.

174. Defendants Coe and Martinez knew or should have known that they could not seize Plaintiffs without probable cause. Seizures of people after their charges had been dismissed or beyond the expiration of their terms of imprisonment violate the Fourth Amendment because there is no probable cause to justify their continued or renewed seizure.

175. Defendants Coe and Martinez had actual knowledge that people in their custody were regularly detained without legal authority, after charges had been dismissed or beyond the expiration of their terms of imprisonment. This detention amounts to a seizure because people in the sheriffs' legal custody under the authority of the counties were not free to leave the places

where they were incarcerated. Defendants purported to restrict and control Plaintiffs' liberty even beyond the prisons' walls.

176. These types of unconstitutional seizures of people in Defendants Coe's and Martinez's custody occurred so regularly that they constituted a widespread practice or custom.

177. Notwithstanding the knowledge that their custom or practice effected unlawful seizures, Defendants counties took no or insufficient remedial steps to systemically eliminate overdetention. Such inaction amounted to deliberate indifference to the violation of the constitutional rights of people in their custody.

178. Defendants' violation of Plaintiffs' constitutional rights harmed Plaintiffs' liberty and dignity. Plaintiffs also suffered financial losses, mental anguish, emotional distress, humiliation, and pain and suffering as a result of their unconstitutional seizure after putative lawful bases to detain them had expired.

Count 5 – Negligence

(By All Plaintiffs Against Recana Solutions, LLC)

179. All of the foregoing allegations are incorporated by reference.

180. Recana functioned as Plaintiffs' jailer and administered Plaintiffs' detention, and so assumed the duties of care imposed on jailers under Texas law.

181. As a jailer, Recana owed Plaintiffs a duty to effect their timely release once the legal authority to detain them had expired.

182. Recana breached its duty of care by designing and implementing policies and practices that delayed Plaintiffs' release, causing Plaintiffs to be overdetained.

183. Recana thus deprived Plaintiffs of their liberty and harmed Plaintiffs.

184. Recana knew or should have known that its policies and procedures were delaying Plaintiffs' release and causing them to be overdetained.

185. Recana's grossly negligent and otherwise wrongful conduct proximately caused Plaintiffs' loss of liberty, financial losses, mental anguish, emotional distress, humiliation, and pain and suffering.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court grant the following relief:

1. Award compensatory and punitive damages against all Defendants in their individual capacities for the above violations of law;
2. Award compensatory damages against Kinney County and Val Verde County for the above violations of law;
3. Award compensatory and punitive damages against Recana for gross negligence;
4. Award pre- and post-judgment interest on any award of damages to the extent permitted by law;
5. Award Plaintiffs' counsel reasonable attorneys' fees and costs under 42 U.S.C. § 1988 and any other applicable law; and
6. Grant such further relief as the Court deems just, equitable, and appropriate.

REQUEST FOR JURY TRIAL

Plaintiffs request that the Court empanel a jury to try this case.