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

SHANNON PEREZ, et al., Plaintiffs, v. STATE OF TEXAS, et al., Defendants.	§ § § § § § §	CIVIL ACTION NO. 11-CA-360-OLG-JES-XR [Lead Case]
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES, Plaintiffs, v. STATE OF TEXAS, et al., Defendants.	§ § § § § § § §	CIVIL ACTION NO. SA-11-CA-361-OLG-JES-XR [Consolidated Case]
TEXAS LATINO REDISTRICTING TASK FORCE, et al., Plaintiffs, v. RICK PERRY, Defendant.	§ § § § § §	CIVIL ACTION NO. SA-11-CA-490-OLG-JES-XR [Consolidated Case]
MARGARITA V. QUESADA, et al., Plaintiffs, v. RICK PERRY, et al., Defendants.	§ § § § § §	CIVIL ACTION NO. SA-11-CA-592-OLG-JES-XR [Consolidated Case]

JOHN T. MORRIS, Plaintiff, v. STATE OF TEXAS, et al., Defendants.	§ § § § § §	CIVIL ACTION NO. SA-11-CA-615-OLG-JES-XR [Consolidated Case]

EDDIE RODRIGUEZ, et al., Plaintiffs, v. RICK PERRY, et al., Defendants.	§ § § § § §	CIVIL ACTION NO. SA-11-CA-635-OLG-JES-XR [Consolidated Case]

LULAC'S ADVISORY RELATING TO STATUS CONFERENCE OF AUGUST 31, 2012

I. Introduction

In its Order setting a status conference for today in this matter, the Court directed any party that opposes using the Court's interim plans for the November general elections "to present statutory or caselaw in support of any such argument." Aug. 30, 2012 Order (ECF No. 710). LULAC opposes using the Court's interim congressional plan – Plan C235 – in the November general election and, accordingly, submits this advisory in opposition to the plan. The decision of the United States District Court for the District of Columbia in *Texas v. United States*, issued August 28, 2012, establishes that the Texas Legislature's congressional plan, Plan C185, violates Section 5 of the Voting Rights Act of 1965 because it was enacted with discriminatory intent and is retrogressive. Because Plan C235 is based upon Plan C185, it also violates Section 5 and cannot lawfully be used in the November general election.

Where a district court like this one faces a "deci[sion] whether to allow illegal elections to go forward," Section 5 of the Voting Rights Act "'require[s] the District Court to enjoin the

election.'" *Lopez v. Monterey Cnty.*, 519 U.S. 9, 21 (1996) (quoting *Clark v. Roemer*, 500 U.S. 646, 654 (1991)). This is neither a novel concept nor a close call; rather, it has been clear for decades that if a voting change is denied preclearance, "§ 5 plaintiffs are entitled to an injunction." *Clark*, 500 U.S. at 652-53; *see also Lopez*, 519 U.S. at 21 (same). This result is required not only by the plain language of Section 5, 42 U.S.C. §1973c, but also by the fundamental right to vote in districts drawn in accordance with law. As the State of Texas argued in its emergency appeal of Plan C220, the interim plan this Court initially adopted: "A special harm . . . arises when an election is permitted to go forward based on an unlawful redistricting plan." Emergency Application for Stay at 25, *Perry v. Perez*, No. 11A536 (Nov. 30, 2011). Precisely for this reason, when the Supreme Court reviewed this Court's first interim map in *Perry v. Perez*, it emphasized that "[t]his Court has been emphatic that a new electoral map cannot be used to conduct an election until it has been precleared." *Perry v. Perez*, 132 S. Ct. 934, 940 (2012).

Under these principles and binding precedent, it is clear that this Court cannot allow the current interim plan, Plan C235, to be used to elect Texas's congressional delegation in 2012. That plan adopted without change many aspects of the State's enacted plan that have now been held to violate Section 5. No fewer that 19 congressional districts in Plan C235 are *identical* to congressional districts in Plan C185, including districts that the D.C. District Court has determined are infected with intentional discrimination and violate Section 5. For these reasons, and also because Plan C235 has not been precleared despite adopting the State's proposal, Plan C235 cannot be used this November. This Court has both a constitutional responsibility and the time to adopt its own alternative to govern the 2012 elections and ensure that the voting rights of minority voters in Texas are respected.

Accordingly, LULAC urges the Court to declare that Plan C235 will not be used in the November general election and thereby protect minority voters from the severe harm that will result from using an election map that is rooted in a plan found to be intentionally discriminatory. LULAC requests further that the Court order an expedited proceeding to adopt a map that complies with the D.C. District Court's rulings in *Texas v. United States* and to set a new election schedule that will ensure a lawfully elected congressional delegation is seated in January, 2013.

II. Discussion

A. Using Plan C235 for the General Election Would Violate Federal Law Under Binding Supreme Court Precedent

1. Plan C235 Cannot Be Used Because it Violates Section 5

The United States District Court for the District of Columbia has now held that Texas's enacted redistricting plan, C185, violates Section 5 of the VRA in two ways. *See Texas v. United States*, No. 11-1303 (D.D.C. Aug. 28, 2012) ("D.D.C. Op."). First, the Court unanimously held that Plan C185 pervasively and intentionally discriminates against minority voters. D.D.C. Op. at 38-42. Second, the Court also unanimously agreed that Plan C185 has the effect of causing retrogression in minority voting strength, though the Court disagreed as to why. Judges Griffith and Howell held that Plan C185 causes retrogression by increasing the gap between minorities' share of the Texas population and the number of seats in which minorities can elect their candidates of choice, *id.* at 34-38, while Judges Howell and Collyer held that Plan C185 also causes retrogression in minority voting strength by eliminating an existing ability-to-elect district, CD 25, and failing to replace it, D.D.C. Op. (Howell, J., separate op. for the court).

As the Supreme Court just made clear in this very case, "[a] district court . . . must, of course, take care not to incorporate into the interim plan any legal defects in the state plan."

Perez, 132 S. Ct. at 941. Thus, the presence in the interim plan of any of the Section 5 violations in Plan C185 renders the interim plan unenforceable. Unfortunately, the interim plan incorporates both the discriminatory intent and the retrogressive effect of the enacted plan.

2. Plan C235 Violates Section 5 Because It Incorporates Plan C185's Discriminatory Purpose

The D.C. Court unanimously held that Plan C185 "was enacted with discriminatory purpose." D.D.C. Op. at 38. This finding was not limited to one or a few districts, but rather applied to the plan as a whole. *Id.* at 42 ("[T]he plan was enacted with discriminatory intent."). The Court found that the plan treated Anglo and minority incumbents differently, that minority members of Congress and the Legislature were excluded from the map-drawing process, that Texas has a long history of discrimination in redistricting, and that the process followed by the Legislature showed discriminatory intent. *Id.* at 39-42.

The discriminatory purpose behind Plan C185 invalidates the plan as a whole, not merely any specific discriminatory effects the plan may have. A voting change "animated by such a purpose ha[s] no credentials whatsoever[]," and "is forbidden by § 5, whatever its actual effect may have been or may be." *City of Richmond v. United States*, 422 U.S. 358, 378-79 (1975). Thus, any interim plan adopted by this Court cannot incorporate or rely upon Plan C185, for the plan as a whole is unlawful. *See Perez*, 132 S. Ct. at 941 ("A district court making such use of a State's plan must, of course, take care not to incorporate into the interim plan any legal defects in the state plan."). This point is so clear that the D.C. Court did not even feel the need to enumerate all of the aspects of the enacted plan reflecting a discriminatory purpose, D.D.C. Op. at 42 n.32, for the finding of a discriminatory purpose necessarily invalidated the plan as a whole. *See City of Richmond*, 422 U.S. at 378-79.

The interim Plan adopted by this Court at the urging of the State, however, incorporated much of Plan C185 without change, and therefore cannot stand given the discriminatory purpose behind the underlying plan. *See id.* Plan C235 left more than half of the districts in Plan C185 unchanged, and made only the most minimal of changes to many others. Indeed, some of the most egregious violations of Section 5 found by the D.C. Court are carried over from Plan C185 into Plan C235.

For instance, the Court found that although the Legislature's map-drawers knew that Benchmark CD 27 was protected under the VRA, they nevertheless turned it into a majority Anglo district, while stranding more than 300,000 Hispanics in Nueces County who lost the ability to elect candidates of their choice. D.D.C. Op. at 29; *see also* D.D.C. Op. Findings of Fact & Conclusions of Law ("FF&CL") ¶¶ 72-85. The Court found that although Benchmark CD 27 easily could have been preserved by removing "only a few precincts" to account for overpopulation, the map-drawers chose to radically change it, flipping it into a majority Anglo district. D.D.C. FF&CL ¶ 82. In its Order adopting Plan C235, this Court recognized that plaintiffs' claims relating to CD 27 were "not without merit" but ruled that the claims were not sufficiently strong to "warrant changes to the enacted map for an interim plan." Order Adopting C235 at 51 (ECF No. 691). But the D.C. Court's ruling removes any question about the strength of those claims – it is now established that the Legislature violated Section 5 by dismantling Benchmark CD 27. Instead of curing this violation, Plan C235 perpetuates it.

Similarly, Plan C235 adopted the Legislature's dismantling of the crossover district in benchmark CD25, *id.* at 41, even though LULAC and others alleged that the dismantling was motivated by a discriminatory purpose, *id.* at 48. In its Order adopting Plan C235, this Court stated that it was "unable to predetermine how the D.C. Court may ultimately resolve [the]

difficult issues" relating to CD25 and therefore ruled that "the substantial changes to the enacted map that would be required by attempting to preserve benchmark CD 25 are not justified at this time." *Id.* at 49. But Judges Collyer and Howell have now ruled that the Legislature's elimination of CD 25 was retrogressive:

> We conclude that the record before the Court demonstrates that minority voters are politically cohesive, have a demonstrated history of electoral success, and effectively exert their political power within the coalition that elects minority preferred candidates in CD 25. The district is therefore a protected ability district in the Benchmark that was lost in the enacted plan.

D.D.C. Op. 1 (Howell, J., separate op. for the court). Just as the district was "lost in the enacted plan," it was "lost" in Plan C235 in violation of Section 5.

It is true that Plan C235 made some alterations to Plan C185 to address some of the most egregious examples of discriminatory *effects* alleged by plaintiffs. Order Adopting C235 at 39-41 (ECF No. 691). But those limited changes cannot undo the discriminatory purpose underlying the plan, for a plan "animated by such a purpose ha[s] no credentials whatsoever[]," and "is forbidden by § 5, whatever its actual effect may have been or may be." *City of Richmond*, 422 U.S. at 378-79. Moreover, this Court acknowledged that Plan C235 did not "remedy all asserted deficiencies in the districts" enacted by C185. Order Adopting C235 at 41 (ECF No. 691). Thus, in light of the D.C. Court's finding that Plan C185 "was enacted with discriminatory purpose," D.D.C. Op. at 38, any reliance on that plan cannot be countenanced, and the current interim plan, which relied heavily on Plan C185, cannot stand.

3. Plan C235 Violates Section 5 Because It Incorporates Plan C185's Retrogressive Effect

The D.C. Court, interpreting Supreme Court precedent, held that a redistricting plan that increases the gap between a minority group's percentage of the population and the percentage of districts in which it can elect its candidate of choice reduces the minority's voting strength and

violates Section 5. D.D.C. Op. at 34-37. The Court found that Plan C185 failed this test. Plan C235 suffers from the same flaw.

The D.C. Court found that Black and Hispanic voters comprise 39.3% of Texas's CVAP, so if districts were allocated proportionately, minority voters would have been able to elect their preferred candidates in 13 of the 32 districts in the benchmark plan. *Id.* at 36. But in the benchmark plan, Judges Howell and Collyer found that minorities were only able to elect their preferred candidate in 11 districts. D.D.C. Op. (Howell, J., separate op. for the court).[1] Thus, the "representation gap" was two districts. But in the enacted plan, C185, the D.C. Court found that minorities were only able to elect their preferred candidate in 10 of the 36 new districts, whereas proportional representation with the greater number of districts would amount to 14 districts. Thus, the "representation gap" grew to 4 districts under the enacted plan. D.D.C. Op. at 37. The increase in this gap amounted to retrogression and prevented preclearance. *Id.*

Unfortunately, the current interim plan adopted by this Court suffers from the same problem, only to a slightly smaller degree. Interim Plan C235 created at most 11 minority ability districts. But that still represents an increase in the "representation gap" from the benchmark plan, as the gap increases from 2 to 3. Thus, Plan C235 suffers from the same flaw as Plan C185, and cannot be used under the D.C. Court's binding interpretation of Section 5.

4. The Section 5 Violations Incorporated in Plan C235 Require this Court to Enjoin Use of that Plan; This Court Cannot Second Guess the D.C. Court's Ruling or Wait for Supreme Court Review

It is not this Court's role to evaluate or second guess the D.C. Court's interpretation of Section 5. *See Lopez*, 519 U.S. at 23 (noting that the "congressional choice in favor of specialized review necessarily constrains the role of the three-judge district court"). Unlike the

[1] Judge Griffith believed there were only 10 minority ability to elect districts in the benchmark plan, Op. at 36, but he agreed that the "representation gap" between the enacted and benchmark plan would exist even if CD25 were counted as an ability to elect district. Op. at 37 n.27.

normal situation where one district court may disagree with another's statutory interpretation, that is not an option open to this Court. *Id.* Thus, this Court must accept and apply the D.C. Court's application and interpretation of Section 5.

Moreover, this Court cannot do what its status order contemplates, namely decline "to exercise its authority to remedy the Section 5 violations found by the D.C. Court until all appeals to the United States Supreme Court have been exhausted." Aug. 30, 2012 Order 1 (ECF No. 710). That approach is clearly rejected by binding Supreme Court precedent. In *Clark v. Roemer*, a three judge district court like this one acknowledged "that the Attorney General had interposed valid objections to some judgeships," but "permitted elections for those seats to go forward . . . pending resolution of Louisiana's judicial preclearance request." 500 U.S. at 652. The Supreme Court unanimously held that this was error, making crystal clear that the possibility of further review (whether by the D.C. Court of a Department of Justice ("DOJ") decision, or by the Supreme Court of a D.C. Court decision) cannot justify allowing a voting change to take effect where that change has been denied preclearance. "Failure to obtain either judicial or administrative preclearance *renders the change unenforceable*," so "[i]f voting changes subject to § 5 have not been precleared, § 5 plaintiffs are entitled to an injunction prohibiting the State from implementing the changes." *Id.* at 652-53 (internal quotation marks omitted) (emphasis added). This right of Section 5 plaintiffs does not and cannot depend on the absence of further judicial review. *Clark* made this clear, and Plaintiffs are unaware of any contrary case. This Court's proposed approach "would place the burdens of inertia and litigation delay on those whom [Section 5] was intended to protect, despite their obvious diligence in seeking an adjudication of their rights prior to the election." *Lucas v. Townsend*, 486 U.S. 1301, 1305 (1988) (Kennedy, J., in chambers). That cannot be allowed. *See, e.g.*, *id.*; *Clark*, 500 U.S. at

653-54; *Horry Cnty. v. United States*, 449 F. Supp. 990, 997 (D.D.C. 1978) ("The intent of Section 5 is clear: [minority] voters are not to be made to wait through election after election under untested and potentially discriminatory laws.").

B. Plan C235 Cannot Be Used Because It Lacks Preclearance

There is an independent reason why Plan C235 cannot be used to elect Texas's 2012 congressional delegation: the plan reflects the State's policy choices but has not been precleared.

Plan C235 adopted without change the majority of districts in the State's enacted plan, and made only minor changes to many other districts. As such, the plan unquestionably "reflect[s] the policy choices of the elected representatives of the people" and must be submitted to DOJ or the D.C. Court before it may be implemented. *McDaniel v. Sanchez*, 452 U.S. 130, 153 (1981); *see also Lopez*, 519 U.S. at 22 (same). That some parts of Plan C235 do not precisely mirror the State's initial preferences is irrelevant, for a proposal that "reflect[s] the policy choices of the elected representatives of the people" must be precleared "no matter what constraints have limited the choices available to" the State. *McDaniel*, 452 U.S. at 153.

Moreover, even if Plan C235 did not incorporate so much of Plan C185, preclearance would still be necessary, for Plan C235 was presented by a "'part[y] to the litigation,'" and such a plan must be precleared. *Id.* at 148 (quoting S. Rep. No. 94-295, pp. 18-19 (1975)).[2] The only situation where Section 5 review is not required "'is where the court, because of exigent circumstances, actually fashions the plan itself *instead of relying on a plan presented by a litigant*.'" *Id.* at 148-49 (quoting S. Rep. No. 94-295, pp. 18-19) (emphasis added). That was not the case here, so plan C235 must be precleared. And because it has not been precleared, it

[2] As this Court stated in its Order of February 28, 2012, adopting Plan C235, that plan is "identical to the Legislature's proposed Plan C226 except for the correction of technical errors identified by the Texas Legislative Council in six counties." February 28 Order at 1 n.1. Plan C226 was presented by the Chairman of the Senate Redistricting Committee, Senator Seliger, and is thus a Legislatively sponsored and crafted plan.

cannot be used this November. *See, e.g.*, *Clark*, 500 U.S. at 652 ("Failure to obtain either judicial or administrative preclearance renders the change unenforceable.") (internal quotation marks and citation omitted). At this point, only a plan independently crafted by this Court can be used.

C. This Court Has Both the Responsibility and the Time to Adopt A Legal Plan

The proximity of the upcoming mid-term election does not justify forcing Texans to select their federal representatives under an interim plan modeled on a map that has since been found to violate Section 5. This Court has previously demonstrated that it has the tools and expertise to draft a non-discriminatory map based on its predictions of how the D.C. District Court might rule in the Section 5 litigation. *See* Order Adopting Plan C220 (ECF No. 544). But this Court no longer has to predict whether the D.C. District Court *might* find portions of the proposed plan unacceptable: that court rejected the plan outright, finding it thoroughly infected with discriminatory intent. If this Court does not use the expertise that it has developed in this matter to act now to remedy this wrong, the people of Texas will be compelled to participate in the very scheme that was meant to disenfranchise many of them. For many Black and Hispanic voters that choose to go to the polls, this will mean taking part in an electoral charade—they will be forced to cast ballots in districts that were designed to minimize the effectiveness of their votes, under a plan produced by a process from which representatives who might have protected their interests were intentionally and completely excluded.

If the Court determines that it is impossible to issue a plan in time to hold the mid-term elections as presently scheduled, federal law permits modification of that schedule. Were that not the case, States subject to preclearance under Section 5 "could, by delaying the revision [of their plans] until well into an election year, force the court to choose between two unlawful provisions." *Busbee v. Smith*, 549 F. Supp. 494, 524 (D.D.C. 1982), *aff'd* 459 U.S. 1166, 103

S.Ct. 809 (1983). This result "would be wholly inconsistent with Congress' desire that 'the States . . . rather than citizens seeking to exercise their rights, bear the burden of delays in litigation.'" *Id.* (quoting *Perkins v. Matthews*, 400 U.S. 379, 396 (1971)).[3] Indeed, in cases such as this one, where significantly revised census numbers make the use of the old plans impossible, Section 5 "might well prohibit the state from holding its congressional elections" as scheduled. *Id.* at 523. This is the only appropriate result in this case, where the delay is the direct and inevitable result of the Legislature's "purposefully discriminatory conduct," which "prevented it from securing section 5 approval for constitutionally required changes" in its congressional apportionment plan. *Id.* at 525.

While Texas is sure to argue that the general election must go forward under Plan C235 because the primaries have already taken place under that map, that is hardly justification for conducting the general election under a discriminatory map and casting aside the critical protections guaranteed by Section 5. Indeed, courts have often held that the use of a legally flawed map or election procedure requires throwing out primary election results and adopting a new map or new procedures for the general election. This occurred in both of the last two cycles in Texas, when three-judge courts threw out primary election results and ordered that new primaries be held on the November election date with any necessary runoffs occurring in

[3] In *Busbee v. Smith*, the D.C. District Court considered whether the court could order Georgia to hold its congressional elections on a date other than November 2. 549 F. Supp. at 522. Following the 1980 census, Georgia submitted a reapportionment plan to the Attorney General, but was refused preclearance. *Id.* at 520. Georgia developed a second plan, which was eventually approved. *Id.* By that time, however, the general elections loomed and the Government was concerned that the curtailed election schedule proposed by Georgia could itself have a discriminatory effect. *See id.* at 520-21. In response, the court adopted a revised election schedule that would have a special primary election take place on November 2, with a general election on November 30. *Id.* at 522. Georgia objected, arguing that 2 U.S.C. § 7 required that all congressional general elections be held on November 2. *Id.* The court rejected that argument as contrary to "both elementary principles of statutory construction and Congress' intent as manifested by the purposes underlying the respective statutes." *Id.* at 524.

December. See *LULAC v. Perry*, 457 F. Supp. 2d 716 (E.D. Tex. 2006); *Vera v. Bush*, 933 F. Supp. 1341 (S.D. Tex. 1996). Similarly, in *Henderson v. Graddick*, 641 F. Supp. 1192 (M.D. Ala. 1986), the district court held that the use of voting procedures in the primary that violated Section 5 required redoing the primary:

> To allow this election result to stand would reward the perpetrator who deliberately caused a violation of [Section 5]. . . . [T]his challenge under Section 5 is somewhat unique in that the challenge comes after a primary and prior to the general election. For this Court to stay its hand . . . and do nothing until after the general election would put the Court to a task similar to unscrambling an egg.

Id. at 1203.

Nor may the Legislature attempt to justify the use of a discriminatory plan in the upcoming election by arguing that any revisions would violate the requirement in the Military and Overseas Voter Empowerment ("MOVE") Act, 42 U.S.C. § 1973ff *et seq*, that States "transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter . . . not later than 45 days before the election." *Id.* § 1973ff-1(a)(8)(A). The MOVE Act explicitly provides a procedure for States to seek waivers from the Department of Defense ("DOD") when they have "suffered a delay in generating ballots due to a legal contest." *Id.* § 1973ff-1(g)(2)(B)(ii). The DOD, in consultation with DOJ, "shall approve a waiver request" based on a legal contest if it determines that the State has proposed alternative procedures that permit "absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots . . . in time to have that ballot counted in the election." *Id.* § 1973ff-1(g)(2). To comply, the State might consider proposing providing additional time for receiving and counting ballots from overseas voters. *Cf.* U.S. Dep't of Justice, Fact Sheet: Move Act, available at http://www.justice.gov/opa/pr/2010/October/10-crt-1212.html (listing multiple consent decrees and agreements between DOJ and States resolving or

avoiding MOVE Act litigation based on provisions to this effect). The State could resolve this issue quickly. *See* 42 U.S.C. § 1973ff-1(g)(3)(B) (providing that a State seeking a waiver due to a legal contest must submit a written waiver request to the Secretary of Defense "as soon as practicable" and the Secretary will respond "not later than 5 business days after the date on which the request is received").

In sum, there is no legal justification for forcing the people of Texas to cast their votes under a discriminatory plan. This Court should set an expedited schedule for considering alternative proposals that will effectuate the D.C. District Court's order, enforce Section 5 of the VRA, and protect *all* of Texas' voters, not just the select populations favored by the original plan's drafters.

III. Conclusion

The Supreme Court has made clear that where the State's proposed plan has not obtained preclearance, "the District Court should adopt a remedy that in all the circumstances of the case implements the mandate of § 5 in the most equitable and practicable manner and with least offense to its provisions." *Clark*, 500 U.S. at 660. This Court declining "to exercise its authority to remedy the Section 5 violations found by the D.C. Court," Aug. 30, 2012 Order 1 (ECF No. 710), would fail to "implement[] the mandate of § 5" at all. *Clark*, 500 U.S. at 660. Instead, the Court must adopt an interim plan free of the enacted plan's taint of discriminatory purpose and effect. The Court could either adopt the initial plan it proposed, C220, or could devise a new one, and should request immediate briefing on an appropriate alternative. Doing nothing, despite the D.C. Court's holding that Plan C185 violates Section 5 and the undeniable fact that Plan C235 incorporates much of Plan C185, is simply not an option open to this Court under Section 5's text and Supreme Court precedent.

Respectfully submitted,

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ATTORNEY FOR PLAINTIFF LEAGUE OF UNITED LATIN AMERICAN CITIZENS

CERTIFICATE OF SERVICE

This is to certify that on August 31, 2012 a true and correct copy of the above and foregoing document was served on all counsel of record in accordance with the Federal Rules of Civil Procedure, including the State of Texas via the ECF filing system and electronic mail.

/s/ Luis Roberto Vera, Jr.
Luis Roberto Vera, Jr.