

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

JUN 23 2006

MICHAEL N. MILBY, CLERK OF COURT

CARLOS GONZALEZ MAGALLON, §  
Consul General of Mexico and Next §  
Friend of Angel Maturino Resendiz, §

Plaintiff, §

v. §

BRAD LIVINGSTON, §  
Executive Director, Texas §  
Department of Criminal Justice, *et al.*, §

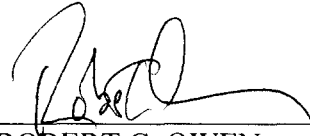
Defendants. §

CIVIL ACTION NO. H-06-818

**MOTION TO SUBSTITUTE REAL PARTY IN INTEREST  
ANGEL MATURINO RESENDIZ AS PLAINTIFF**

Undersigned counsel understands this Court to have concluded that it cannot undertake an inquiry under Fed. R. Civ. P. 17(c) without exceeding the scope of the mandate of the Court of Appeals in this matter. That ruling, coupled with the Court of Appeals' apparent view that Mr. Maturino possesses the limited capacity to authorize the present lawsuit notwithstanding his mental illness, constrains the options available to undersigned counsel. These circumstances collectively place undersigned counsel in a position where he must act to avoid waiver of constitutional claims that counsel has no authority to waive. Accordingly, although undersigned counsel continues gravely to doubt Mr. Maturino's competency to proceed, counsel moves the Court to substitute Mr. Maturino as plaintiff.

Respectfully submitted,



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Texas Bar No. 15371950

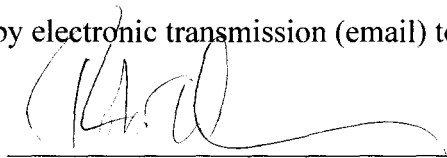
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### CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing document has been served on counsel for Respondent by placing the same into the United States Mail, first-class postage prepaid, addressed to:

Mr. Ed Marshall  
Capital Litigation Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711

on the 23<sup>d</sup> day of June, 2006, and by electronic transmission (email) to Mr. Marshall on the same date.



A handwritten signature in black ink, appearing to read 'Ed Marshall', is written over a horizontal line.