

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

CITY OF EL CENIZO, et al.,

*Plaintiffs,*

v.

STATE OF TEXAS, et al.,

*Defendants.*

No. 5:17-cv-404-OG  
[Lead Case]

EL PASO COUNTY, et al.,

*Plaintiffs,*

v.

STATE OF TEXAS, et al.,

*Defendants.*

No. 5:17-cv-459-OG  
[Consolidated Case]

CITY OF SAN ANTONIO, et al.,

*Plaintiffs,*

v.

STATE OF TEXAS, et al.,

*Defendants.*

No. 5:17-cv-489-OG  
[Consolidated Case]

**DEFENDANTS' MOTION TO  
DISMISS OR TRANSFER SAN  
ANTONIO PLAINTIFFS' FIRST  
AMENDED COMPLAINT  
(ECF NO. 174)**

On July 20, 2017, Plaintiffs City of San Antonio, Texas, Bexar County, City of El Paso, Texas, Rey A. Saldana, Texas Association of Chicanos in Higher Education, La Union Del Pueblo Entero, and Workers Defense Project (collectively, “San Antonio Plaintiffs”) filed their First Amended Complaint.<sup>1</sup> ECF No. 174. Because San Antonio Plaintiffs have filed an amended complaint, Texas files this renewed motion, pursuant to Federal Rules of Civil Procedure 7 and 12(b)(3), and 28 U.S.C. §§ 1404 and 1406, for this Court to dismiss San Antonio Plaintiffs’ First Amended Complaint or transfer it for consolidation with a related, first-filed matter pending in this Court’s Austin Division, *Texas v. Travis County, Texas, et al.*, No. 1:17-cv-425-SS.<sup>2</sup>

In light of the fact that Texas’s arguments in support of dismissal or transfer have been fully briefed in this Court, Texas incorporates by reference the arguments and authorities raised in its Memorandum of Law in Support of Defendants’ Motion to Dismiss or Transfer the Consolidated Cases, ECF No. 32-1, as well as its reply briefs filed in support of that Motion and its motions to dismiss or transfer the complaints in intervention, ECF Nos. 84, 171. For the reasons stated therein, Texas requests that San Antonio Plaintiffs’ claims be dismissed, or alternatively, transferred to the Austin Division for consolidation with Case No. 1:17-cv-425-SS.

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<sup>1</sup> The First Amended Complaint adds Bexar County and the City of El Paso as plaintiffs to this litigation.

<sup>2</sup> Texas previously sought to dismiss or transfer San Antonio Plaintiffs’ claims upon this Court’s order consolidating those claims with two other related lawsuits pending in this Division. *See* ECF Nos. 27, 32.

Respectfully submitted this the 4th day of August, 2017.

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**CERTIFICATE OF SERVICE**

I, Darren McCarty, hereby certify that on this the 2<sup>nd</sup> day of August, 2017, a true and correct copy of the foregoing document was transmitted using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Darren McCarty  
DARREN MCCARTY