



RECEIVED

United States Attorney  
Eastern District of Texas

MAR 20 1981

Post Office Box 1049  
Tyler, Texas 75710  
214/597-8146  
FTS/749-6054

221 W. Ferguson Street  
Tyler, Texas 75702

March 18, 1981

Mrs. Myra Barton, Deputy  
United States District Clerk  
P. O. Box 539  
Tyler, Texas 75710

Re: Espinoza, et al v. Civiletti, et al  
Civil Action No. TY-79-438-CA

Dear Mrs. Barton:

Enclosed is the original and a copy of Defendant, Immigration and Naturalization Service's Answers to Plaintiffs' Request for Admissions which we request that you file among the other papers in the above captioned case.

By copy of this letter, Plaintiffs' attorneys of record are being furnished copies of the Answers.

Sincerely yours,

JOHN H. HANNAH, JR.  
UNITED STATES ATTORNEY

*William Cornelius*

William J. Cornelius, Jr.  
Assistant U. S. Attorney

WJC/gs  
Enclosure

cc: All attorneys of record  
CM/RRR - w/enc.



RECEIVED  
JAN 26 1981

January 20, 1981

The Honorable Murray L. Harris, Clerk  
United States District Court  
For the Eastern District of Texas  
Federal Building and U.S. Courthouse  
Tyler, Texas 75710

RE: Espinoza v. Ciniletti; No. CA TY-79-438-CA

Dear Mr. Harris:

Enclosed please find Plaintiffs' Interrogatories and Requests for Admission and Production which I ask that you file in the above-styled and numbered cause.

If you have any questions in this regard, please do not hesitate to call.

Very truly yours,

Robert O'Keefe  
Attorney

ROK/rgf  
Encl.

cc: Mr. William Cornelius  
Attorney for Defendants Ciniletti, et.al.





JAN 16 1981

Espinoza <sup>ESP</sup>

United States Attorney  
Eastern District of Texas

Post Office Box 1049  
Tyler, Texas 75710  
214/597-8146  
FTS/749-6054

221 W. Ferguson Street  
Tyler, Texas 75702

January 14, 1981

Mrs. Myra Barton, Deputy  
United States District Clerk  
P. O. Box 539  
Tyler, Texas 75710

Re: Espinoza, et al v. Civiletti, et al  
Civil Action No. TY-79-438-CA

Dear Mrs. Barton:

Enclosed is the original and one copy of Defendants' Motion to Dismiss as well as a proposed Order granting same which we request that you present to the Court for consideration and filing among the other papers in the above captioned case.

By copy of this letter, Plaintiffs' attorneys of record are being furnished a copy of the Motion and proposed Order.

Thank you for your cooperation.

Sincerely yours,

JOHN H. HANNAH, JR.  
UNITED STATES ATTORNEY

*William Cornelius*

William J. Cornelius, Jr.  
Assistant U. S. Attorney

WJC/gs  
Enclosure

cc: All attorneys listed  
on attached Certificate  
of Service - w/enc.; CM/RRR



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MARCOS ESPINOZA, ET AL            X  
VS.                                    X            CIVIL NO. TY-79-438-CA  
BENJAMIN CIVILETTI, ET AL        X

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

Now come, the federal Defendants in this matter, by and through the United States Attorney's office for the Eastern District of Texas, and file this Motion to Dismiss, and in support thereof would show the Court as follows:

I.

This alleged class action suit was filed on or about December 4, 1979. Although the paramount issue for determination in cases of this type is class certification, no Motion for Class Certification has yet been filed by Plaintiffs. In addition, no discovery bearing upon the issue of class certification has been accomplished despite the Court's Order of May 28, 1980, which limits discovery to the class action issue. This case has been continued once upon the premise that discovery was necessary in connection with an anticipated class certification hearing, but no such discovery has been requested of these Defendants.

II.

Although the burden falls squarely on Plaintiffs to timely and diligently pursue the matter of class certification, Plaintiffs have utterly failed to meet this burden.

WHEREFORE, PREMISES CONSIDERED, these Defendants pray the Court to grant this Motion, and to dismiss Plaintiffs' Complaint with prejudice and at Plaintiffs' cost.



Respectfully submitted:

JOHN H. HANNAH, JR.  
UNITED STATES ATTORNEY

*William Cornelius*  
\_\_\_\_\_  
William J. Cornelius, Jr.  
Assistant U. S. Attorney

P. O. Box 1049  
Tyler, Texas 75710  
(214) 597-8146

ATTORNEYS FOR DEFENDANTS



CERTIFICATE OF SERVICE

On this 14<sup>th</sup> day of January, 1981,

I, WILLIAM J. CORNELIUS, JR., Assistant United States Attorney for the Eastern District of Texas, one of the attorneys of record for Defendants herein, do certify that a true and correct copy of the foregoing instrument was mailed from Tyler, Texas, return receipt requested, to:

Ruben Sandoval  
LULAC National Office  
523 S. Main Avenue  
San Antonio, Texas 78204

Ellis Barrera, Jr.  
LULAC District 8 and Mexican  
American Bar Association  
3702 N. Main Street  
Houston, Texas 77009

Armando Lopez  
LULAC District 8  
3935 Westheimer - Suite 202  
Houston, Texas 77027

Isaiša D. Torres  
Jose A. Medina  
La Raza Legal Alliance  
3935 Westheimer - Suite 202  
Houston, Texas 77027

Dwight R. Cook  
Robert O'Keefe  
East Texas Legal Services  
P. O. Box 1069  
Nacogdoches, Texas 75961

Antonio Guajardo  
Eudelia Talamantes  
Centro Para Immigrantes de  
Houston, Inc.  
2314 Cochran Street  
Houston, Texas 77009

William Cornelius  
WILLIAM J. CORNELIUS, JR.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MARCOS ESPINOSA, et. al.,

Plaintiffs

VS.

BENJAMIN CIVILETTI, et. al.,

Defendants

CIVIL ACTION NO. 79-438-CA

PLAINTIFFS' REQUEST FOR PRODUCTION TO  
DEFENDANT IMMIGRATION AND NATURALIZATION SERVICE

Plaintiffs in the above entitled cause, pursuant to Rule 34 of the Federal Rules of Civil Procedure, request that Defendant Immigration and Naturalization Service, produce the documents hereinafter described and permit plaintiffs and their attorneys to inspect them and copy such of them as they may desire. Plaintiffs request that the documents be made available for inspection and/or copying at the offices of the counsel of record for defendant located in Tyler, Smith County, Texas or alternatively at such other offices as the parties herein may mutually agree to, including but not limited to defendants offices located in Houston, Harris County, Texas. Plaintiff further requests that the inspection be permitted to take place during normal business hours with the least possible disruption to the ordinary course of business of the office at which the inspection takes place.

Plaintiffs further request that this inspection be permitted by defendant within ten (10) days of the date of the filing of this request and that their attorneys be permitted to remove from defendant's custody such of the documents as they desire to copy on the understanding that plaintiffs' attorneys will be responsible for these documents so long as they are in their possession, that copying will be done at plaintiffs' expense and that the documents will be promptly returned immediately after copying has been completed.

This request is intended to cover all documents in possession of the defendant, or subject to their custody and control, whether they are located in any of the defendant's offices in Harris County, Texas or any other office maintained by defendant.

As used in this request, the term "document" means, without limitation, the following items whether printed or recorded or reproduced by any other mechanical process or written or produced by hand:

Agreements, communications, correspondence, telegrams, memorandums, summary of records of telephone conversations, summaries or records of personal



conversations or interviews, diaries, graphs, reports, notebooks, summaries or records of meetings or conferences, circulars, drafts, letters, and any marginal comments appearing on any documents, and all other writings.

The documents covered by this request are as follows:

1. All documents, reflecting or tending to reflect the procedures to be utilized by defendant, its agents or employees, in carrying out the residential area control investigations conducted by defendant in Angelina County, Texas in November of 1979 with regard to the following:
  - a. The manner/method of determining which residential areas of Angelina County were to be subjected to the operation;
  - b. The manner/method of determining which homes, if any, should be entered for the purpose of determining whether or not there were persons residing therein who were in this country in violation of the immigration laws;
  - c. The criteria to be utilized, if any, in determining whether circumstances justify entry into a home without first obtaining a search warrant;
  - d. The criteria, if any, to be utilized in determining whether an individual should be stopped and questioned regarding his/her authority to be in this country;
  - e. The statements which defendant's officers, employees or agent participating in said investigation were to make to residents of a household which is entered by defendant, without warrant, regarding the rights of individual(s) whose household is being searched;
  - f. The manner/method of determining which businesses, if any, should be entered for the purposes of determining whether or not there were persons therein who were in this country in violation of its immigration laws;
  - g. The criteria to be utilized, if any, in determining whether circumstances justify entry onto the property of a commercial business without first obtaining a search warrant;
  - h. The statements which defendant's officers, agents, or employees participating in said investigation were to make to proprietors or customers of said commercial business which has been entered into by defendant, regarding the rights of the owner and/or the individuals therein.
2. All documents, reflecting or tending to reflect the procedures to be utilized by defendant, its agents or employees, in carrying out the residential area control investigations conducted by defendant in Nacogdoches County, Texas in November of 1979 with regard to the following:
  - a. The manner/method of determining which residential areas of Nacogdoches County were to be subjected to the operation;
  - b. The manner/method of determining which homes, if any, should be entered for the purpose of determining whether or not there were persons residing therein who were in this country in violation of the immigration laws;
  - c. The criteria to be utilized, if any, in determining whether circumstances justify entry into a home without first obtaining a search warrant;



- d. The criteria, if any, to be utilized in determining whether an individual should be stopped and questioned regarding his/her authority to be in this country;
  - e. The statements which defendant's officers, employees or agent participating in said investigation were to make to residents of a household which is entered by defendant, without warrant, regarding the rights of individual(s) whose household is being searched;
  - f. The manner/method of determining which businesses, if any, should be entered for the purposes of determining whether or not there were persons therein who were in this country in violation of its immigration laws;
  - g. The criteria to be utilized, if any, in determining whether circumstances justify entry onto the property of a commercial business without first obtaining a search warrant;
  - h. The statements which defendant's officers, agents, or employees participating in said investigation were to make to proprietors or customers of said commercial business which has been entered into by defendant, regarding the rights of the owner and/or the individuals therein.
3. All other documents reflecting or tending to reflect the procedures to be followed in carrying out the investigations conducted in Nacogdoches and Angelina County in November of 1979.

Respectfully submitted,

ISAIAS D. TORRES  
JOSE A. MEDINA  
2990 Richmond, #205  
Houston, Texas 77098  
(713) 524-4801

EUDELIA TALAMANTES  
Centro Para Immigrantes de  
Houston  
2314 Cochran St., 2nd Floor  
Houston, Texas 77009  
(713) 228-0091

ROBERT B. O'KEEFE  
EAST TEXAS LEGAL SERVICES  
P. O. Box 1069  
Nacogdoches, Texas 75961  
(713) 560-1455

BY: \_\_\_\_\_

ROBERT B. O'KEEFE  
Attorney for Plaintiffs



CERTIFICATE OF SERVICE

On this the \_\_\_\_ day of January, 1981, the undersigned one of the counsel of record for the Plaintiffs hereby certifies that a true and correct copy of the foregoing Request for Production was forwarded to counsel of record for defendants, postage prepaid, U. S. Mail at the following address: Mr. William Cornelius, Jr., P. O. Box 1049, Tyler, Texas 75710.

\_\_\_\_\_  
ROBERT B. O'KEEFE



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MARCOS ESPINOZA, ET AL           X  
VS.                                   X       CIVIL NO. TY-79-438-CA  
BENJAMIN CIVILETTI, ET AL       X

ANSWERS TO PLAINTIFFS' REQUEST FOR ADMISSIONS

Defendant, Immigration and Naturalization Service, makes  
the following Answers to Plaintiffs' First Request for Admissions:

1. Admitted;
2. Admitted;
3. Object to this request for the reason that it concerns information irrelevant and immaterial to the issues to this litigation.
4. The same objection and reason.
5. Admitted, but on the 8th day of November.
6. Admitted;
7. Admitted;
8. Admitted, but description of place may not be detailed.
9. Admitted;
10. Disseminated orally;
11. Denied.
12. Denied.
13. Admitted, but only with permission of occupant.
14. Denied;
15. Admitted;
16. Admitted;
17. Admitted;
18. Admitted;
19. Denied, warrants obtained if necessary.
20. Denied, warrants obtained if necessary.
21. Denied;
22. Denied;
23. Denied;
24. Denied;
25. Denied;
26. Admitted;
27. Admitted.



Respectfully submitted:

JOHN H. HANNAH, JR.  
UNITED STATES ATTORNEY

William Cornelius  
William J. Cornelius, Jr.  
Assistant U. S. Attorney

P. O. Box 1049  
Tyler, Texas 75710  
(214) 597-8146

ATTORNEYS FOR DEFENDANTS

STATE OF TEXAS           X

COUNTY OF SMITH         X

BEFORE ME, the undersigned authority, appeared WILLIAM J. CORNELIUS, JR., who affirmed, under oath, that he is the attorney of record for Defendant, Immigration and Naturalization Service, that he is cognizant of the matters set forth in the foregoing Answers to Plaintiffs' Request for Admissions, and that the same are true and correct.

William Cornelius  
William J. Cornelius, Jr.  
Assistant U. S. Attorney

SUBSCRIBED AND SWORN TO BEFORE ME on this the 18th day of March, 1981. Witness my hand and seal of office.

Glenda Shelton  
Notary Public in and for  
Smith County, Texas

My Commission Expires:  
3/31/81





CERTIFICATE OF SERVICE

On this 18th day of March,

1981, I, WILLIAM J. CORNELIUS, JR., Assistant U. S. Attorney for the Eastern District of Texas, one of the attorneys of record for Defendants herein, do certify that a true and correct copy of the foregoing instrument was mailed from Tyler, Texas, return receipt requested, to:

Ruben Sandoval  
LULAC National Office  
523 S. Main Avenue  
San Antonio, Texas 78204

Ellis Barrera, Jr.  
LULAC District 8 and Mexican  
American Bar Association  
3702 N. Main Street  
Houston, Texas 77009

Armando Lopez  
LULAC District 8  
3935 Westheimer - Suite 202  
Houston, Texas 77027

Isaisa D. Torres  
Jose A. Medina  
La Raza Legal Alliance  
3935 Westheimer - Suite 202  
Houston, Texas 77027

Dwight R. Cook  
Robert O'Keefe  
East Texas Legal Services  
P. O. Box 1069  
Nacogdoches, Texas 75961

Antonio Guajardo  
Eudelia Talamantes  
Centro Para Inmigrantes de  
Houston, Inc.  
2314 Cochran Street  
Houston, Texas 77009

William Cornelius  
William J. Cornelius, Jr.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MARCOS ESPINOSA, ET AL,           §  
Plaintiffs

VS.                                   §    CIVIL ACTION NO. TY-79-438-CA

BENJAMIN CIVILETTI, ET AL,       §  
Defendants

PLAINTIFFS' INTERROGATORIES TO DEFENDANT

PAUL B. O'NEILL

Come now the Plaintiffs, by and through their attorneys, and state that Defendant PAUL B. O'NEIL is hereby notified to answer under oath these interrogatories, as shown below, written thirty (30) days of the time service is made upon you, in accordance with Rule 33 of the Federal Rules of Civil Procedure. These interrogatories shall be deemed continuing, so as to require supplemental answer if you obtain further information between the time answers are served and the time of trial.

1. What is your full name, present address and title?
2. With regard to you occupation or employment in November, 1979, state:
  - a. The name and address of your employer;
  - b. Your duties and responsibilities in that position.
3. In your position written the Immigration and Naturalization Service (INS) do you receive policy instructions or memorandum affecting field operations by the Service? If yes, from whom do you receive them?
4. Did you receive any written policy, instructions, or memorandum concerning Residential Area Control Investigations prior to November, 1979? If yes, state the policy then in effect.
5. During the period of time from September, 1979, through November, 1979 did you receive any policy, instructions or memorandum concerning Residential Area Control Investigations? If so, state what the policy, instruction, or memoranda detailed.
6. Did you and/or officers, agents, or other employees of the INS written the jurisdiction of the Houston District Office participate in Residential Area



Control Investigations in and around the areas of Angelina County, Texas in November, 1979? If so, state the following:

- a. The authority under which the operation was conducted;
- b. The policy and procedure utilized to conduct the operation;
- c. The number and names of officers or agents of INS who participated in the operation;
- d. The number of people detained during the operation;
- e. The number of people interrogated and released;
- f. The number of people whose detention resulted in Voluntary Departure and in lieu of a hearing;
- g. The number of people whose detention resulted in expulsion hearings;
- h. The number of persons charged with criminal violations stemming from the Immigration and Nationality Act;
- i. The means of selection of specific residential areas affected by the operations;
- j. The means of identification of specific dwellings investigated;
- k. The policy and the use of force during the course of the investigation;
- l. The precise dates of operations in each residential area, by city or town in the affected area;
- m. The means of transportation used to transport persons given Voluntary Departure in lieu of an Order to Show Cause;
- n. Where was the transportation stationed prior to immediate use;
- o. The center of operations for the INS and the name and title of the officer/agent coordinating the operation;
- p. The time of day at which operations began and ended;
- q. The equipment, including firearms, utilized by INS personnel for the operation;
- r. The number of warrants issued prior to commencement of operations naming specific individual under investigation.

7. Did you and/or any officers, agents or the employees of the INS under the jurisdiction of the Houston District Office conduct any control investigations at places of employment in and around Angelina County, Texas in November, 1979? If so, state the following;



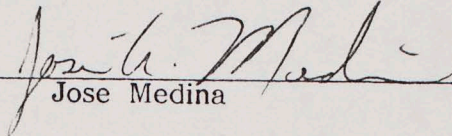
- a. The number of warrants obtained prior to initiating an investigation at any place of employment;
  - b. The number of business investigated under authority of a warrant;
  - c. The number of businesses investigated, or where an attempt was made to investigations without the authority of a warrant;
  - d. The policy and procedure utilized to conduct the operation, including the warrantless searches;
  - e. The number and names of officers, agents, or other INS personnel participating in the operation;
  - f. The name and title of the officer, agent, or employee of INS who coordinated the operation.
8. Were any other law enforcement agencies involved in the Residential Area Control Investigations or Workplace Investigations conducted in or around Angelina County, Texas in November, 1979? If so, state the following:
- a. The specific agencies that participated;
  - b. The nature and extent of involvement of each law enforcement agency;
  - c. The records of communication between the INS and the other law enforcement agencies prior to the operation;
  - d. The INS policy then in effect as to involvement of local or state law enforcement agencies in INS operations;
  - e. Any charges, if any, in the INS policy regarding involvement of state or local law enforcement agencies in INS operations instituted since that time.
9. Was any written report made of the details of the Residential Area Control Investigation or Workplace Investigation operations in and around Angelina County, Texas in November, 1979? If so, state the following:
- a. The name and title of the person who prepared the report;
  - b. The name and title of the person for whom the report was prepared;
  - c. The date, time, and place where the report was prepared;
  - d. The name, title, and current address of the present custodian of that report.
10. Did you, or any INS employee under your supervision, make any oral report to anyone of the details of the Residential Area Control Investigation or Workplace Investigation in and around Angelina County, Texas, in November,



1979? If so, state the following:

- a. The name and title of the person making such a report;
- b. The date, time and place of such a report;
- c. The name, title, and correct address of the person to whom such a report was made.

Respectfully submitted,

  
\_\_\_\_\_  
Jose Medina

LOPEZ, MEDINA, RAMIREZ  
TORRES, & VELASQUEZ  
2990 Richmond, Suite 205  
Houston, Texas 77098  
(713) 524-4801

Attorney for Plaintiff



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing interrogatories to Defendant Paul O'Neil were forwarded by United States mail, postage prepaid, to counsel of record for said Defendant, at the following address:

Mr. William Cornelius, Jr.  
Assistant U.S. Attorney  
P.O. Box 1049  
Tyler, Texas 75710

On this the \_\_\_\_\_ day of January, 1981.

---

Robert B. O'Keefe