IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS TRIBUNE, MANO AMIGA, and CALDWELL/HAYS EXAMINER, Plaintiffs,	§	
v.	§	
CALDWELL COUNTY, TEXAS, TREY HICKS, in his official capacity as Caldwell County Court at Law Judge and Caldwell County Magistrate,	§	Civil Action No. 1:23-cv-910
MATT KIELY, SHANNA CONLEY, ANITA DELEON, and YVETTE MIRELES, in their official capacities as Caldwell County Justices of the Peace and Caldwell County Magistrates, and	§	
MIKE LANE, in his official capacity as the Sheriff of Caldwell County, Defendants.	§	

DEFENDANTS' ORIGINAL ANSWER TO PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF UNITED STATES DISTRICT COURT:

Defendants Caldwell County, Texas, the Honorable Trey Hicks, in his official capacity as Caldwell County Court at Law Judge and Caldwell County Magistrate, the Honorable Matty Kiely, the Honorable Shanna Conley, the Honorable Anita DeLeon, and the Honorable Yvette Mireles, in their official capacities as Caldwell County Justices of the Peace and Caldwell County Magistrates, and the Honorable Mike Lane, in his official capacity as the Sheriff of Caldwell County, (hereinafter "Defendants") file this Original Answer to Plaintiffs' Complaint for Declaratory and Injunctive Relief and in support thereof would show the Court as follows:

I. Answer

1. Pursuant to Rule 8(b), Federal Rules of Civil Procedure, Defendants deny each and every allegation contained in Plaintiffs' Complaint for Declaratory and Injunctive Relief except those expressly admitted herein.

2. In regard to the allegations contained in Paragraph Nos. 1 through 8, such paragraphs concerning introduction should not require a response from Defendants; however, Defendants deny any allegations asserted against them in these paragraphs.

3. Defendants admit that venue is proper in Paragraph Nos. 9 through 11, but deny the remaining allegations therein, if any. Further, Plaintiffs have failed to state a claim upon which relief can be granted and this Court may not have jurisdiction.

4. In regard to the allegations contained in Paragraph Nos. 12 through 21, such paragraphs identifying the parties require no response from Defendants; however, Defendants deny any allegations asserted against them in these paragraphs.

5. Defendants admit that the Texas Code of Criminal Procedure, Articles 15.17 and 14.06 provides that without unnecessary delay, but not later than 48 hours after the person is arrested, the arresting officer shall have the person arrested taken before some magistrate. Further, Defendants admit that Article 15.17 includes duties of the magistrate. Defendants deny any remaining allegations asserted against them in these paragraphs.

6. Defendants deny any allegations, if any, asserted against them in paragraphs Paragraph Nos. 25 and 26.

7. Defendants deny the allegations asserted against them in paragraphs Paragraph Nos. 27 through 31; Plaintiffs provide no constitutional or statutory authority for their allegations

concerning notice and access to view an arrested being taken before some magistrate by an arresting law enforcement officer.

8. Defendants deny any allegations, if any, asserted against them in these paragraphs Paragraph Nos. 32 through 34; however, these paragraphs are identified as "Plaintiffs' reasons for seeking access to magistration."

9. Defendants deny the allegations asserted against them in paragraphs Paragraph Nos. 35 through 44; Plaintiffs provide no constitutional or statutory authority for their allegations concerning notice and access to view an arrested being taken before some magistrate by an arresting law enforcement officer.

10. Further, Defendants deny that Plaintiffs have been harmed and/or are entitled to any of the relief sought in this case in Paragraph Nos. 45 through 54 and the Prayer for Relief.

II. Affirmative Defenses

11. Plaintiffs have failed to state a claim upon which relief can be granted.

12. Defendants assert their entitlement to sovereign immunity for any claims in their official capacities and official immunity. Defendants assert all privileges and immunities available under federal or state law. Specifically, Defendants assert their entitlement to judicial immunity, if available.

13. Finally, although Plaintiffs currently assert only claims against Defendants in their official capacities, Defendants reserve the right to assert any entitlement to the defenses of qualified immunity should any individual capacity claims be alleged.

III. Attorneys' Fees

This case is frivolous and wholly without merit. Defendants are entitled to an award of attorney's fees and costs.

IV. Jury Demand

Defendants demand a trial by jury.

V. Prayer

For these reasons, Defendants pray that all relief requested by Plaintiffs be denied, and that Defendants recover costs and attorney's fees, along with such other relief to which it may show Defendants are entitled.

/s/ J. Eric Magee
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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of October 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to each counsel of record listed below.

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/s/ J. Eric Magee
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