

ENTERED

March 24, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

SYLVIA BRUNI, *et al.*,

Plaintiffs,

vs.

RUTH HUGHS,

Defendant.

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5:20-CV-35

ORDER TO STRIKE DOCUMENT FROM THE RECORD

On March 18, 2020, the Court received a document from Michael Idrogo titled “cross complaint” in reference to case 5:20-CV-35 — a lawsuit from a number of individuals and groups associated with the Democratic Party against the Texas Secretary of State, which challenges Texas’s decision to end straight-ticket voting. (Dkt. No. 12). Idrogo claims to be a Libertarian Party candidate for elected office who does not want straight-ticket voting re-implemented. However, the bulk of the filing contains allegations that do not relate to this action. *Id.*

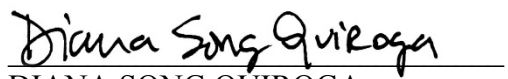
The document does not comply with the Federal Rules of Civil Procedure and the Clerk is DIRECTED to strike it from the record. S.D. TEX. L.R. 11.4. Among other requirements, a cross claim is a “claim by one party against a coparty. . . .” FED. R. CIV. P. 13(g). Michael Idrogo is not a party to this action. He is neither a named plaintiff, defendant, or joined third-party, therefore the filing is invalid. The Court also declines to construe this filing as a motion to intervene under FED. R. CIV. P. 24. The filing does not comply with the notice and pleading requirements for a motion to intervene. FED. R. CIV. P. 24(c). Nor would the filing, as written, satisfy the burden of a non-party to intervene as of right outlined by the Fifth Circuit. *Wal-Mart Stores, Inc. v. Texas Alcoholic Beverage Comm'n*, 834 F.3d 562, 565 (5th Cir. 2016) (holding that while the standard

should be liberally construed, it is the applicant's ultimate burden to establish the right to intervene by showing the following elements: "(1) the application ... must be timely; (2) the applicant must have an interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest; (4) the applicant's interest must be inadequately represented by the existing parties to the suit.").

The Clerk is directed to send a copy of this Order to all parties.

IT IS SO ORDERED.

Signed on March 24, 2020, at Laredo, Texas.


DIANA SONG QUIROGA
UNITED STATES MAGISTRATE JUDGE