

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

**RICARDO D. PALACIOS,
Individually and as General
Partner for the JUAN SALINAS
RANCH, LTD. a Texas Limited Liability
Company**

Plaintiffs,

vs.

**CHIEF PATROL AGENT
MARIO MARTINEZ,
UNKOWN AGENTS OF THE
UNITED STATES CUSTOMS
AND BORDER PROTECTION,
AND TEXAS RANGER ERNESTO
SALINAS OF THE TEXAS
DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGER DIVISION**

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Civil Action No. 17-cv-244

**Fed. R. Civ. Pro. RULE 67 MOTION TO DEPOSIT A DELIVERABLE
THING INTO THE REGISTRY OF THE COURT**

Comes now Mr. Ricardo D. Palacios, Plaintiff herein, and pursuant to Rule 67 of the Federal Rules of Civil Procedure moves the Court to issue an order authorizing the deposit into the Registry of the Court a deliverable thing, namely, a surveillance camera that Plaintiff found installed on his property, and is the subject of competing claims of ownership interest by Defendant’s herein, and is evidence relevant to the civil cause of action as above styled. Such camera is a tangible object of evidence regarding the unlawful trespass onto Plaintiff’s property by the Defendants:

- 1. Plaintiff’s property is located more than 25 miles from the nearest outer boundary

of the United States;

2. Approximately two weeks ago, Plaintiff encountered the subject surveillance camera affixed to a tree on Plaintiff's property near the curtilage thereon;
3. Permission for placement of the same on the tree never having been provided by Plaintiff, Plaintiff removed the camera from the tree;
4. Shortly thereafter, Plaintiff was contacted by each individual Defendant separately and in turn.
5. Each Defendant claimed to have an ownership interest in the camera;
6. Each Defendant *demand*ed that the camera be returned to it;
7. One defendant, namely, Texas Ranger Ernesto Salinas with the TxDPS Texas Ranger Division, Company D, threatened Plaintiff with criminal charges unless the camera were immediately returned;
8. Plaintiff claims no ownership interest in the camera;
9. Plaintiff, however, maintains that:
 - a. the camera was installed on Plaintiff's property by the Defendant's unlawfully, acting in cooperation with each other, and without a warrant or any judicial oversight;
 - b. Defendants installed the camera on Plaintiff's property under no circumstances, exigent or otherwise, that would allow Defendant's to intrude into Plaintiff's property and install surveillance equipment;
 - c. Defendant's acted without Plaintiff's consent.
10. In installing the camera on Plaintiff's property, Defendants, together or in cooperation, trespassed onto Plaintiff's property in violation of Plaintiff's property

rights, and Plaintiff's 4th Amendment Right to Privacy.

11. Plaintiff, under threat of criminal liability, has filed the instant cause of action seeking redress for civil wrongs and a declaration by this Honorable Court as to the rights and legal relations of the parties herein before coercive intervention is required.

Plaintiff moves the Court to order the Clerk of Court to place this surveillance camera in its custody and care until this controversy is finally decided, and that the Clerk of Court retain the indicia of ownership as the custodian of the surveillance camera for the benefit of the Plaintiff for use as evidence in the proceedings that are to follow until this matter is finally resolved.

Lastly, Plaintiff moves the Court to order the Clerk of Court to return the camera upon the completion of these proceedings to that Defendant who demonstrates lawful entitlement to the satisfaction of the Court.

Respectfully submitted on this 29th day of November, 2017 by the undersigned counsel for the Plaintiff.

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Attorney for: Ricardo Palacios

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2017, I electronically filed the foregoing Rule 67 MOTION TO DEPOSIT DELIVERABLE THING INTO THE REGISTRY OF THE COURT with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following: Chief Patrol Agent, Mario Martinez, of the U.S. Customs and Border Patrol, by and through Assistant U.S. Attorney Hector Ramirez at 11204 McPherson Rd., Ste. 100-A, Laredo, Texas 78045, and Texas Ranger Ernesto Salinas, with TxDPS, Texas Ranger Division, Company D, at

207 W. Del Mar Blvd., Laredo, Texas, 78041.

Respectfully submitted,

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**ORDER GRANTING MOTION TO DEPOSIT A DELIVERABLE THING,
NAMELY, A SURVEILLANCE CAMERA INTO THE REGISTRY OF THE COURT**

It is hereby ORDERED, that the Clerk of Court receive and deposit into the Registry of the Court the surveillance camera surrendered by the Plaintiff herein for safekeeping until this matter is finally resolved; it is further ordered that the District Clerk is to receive an indicium of ownership as custodian of the camera into whose care the deliverable thing is entrusted until final resolution of this matter between the parties.

IT IS FURTHER ORDERED that the _____ personally serve a copy of this order upon the Clerk, Chief Deputy or the Financial Deputy.

Signed, on the ____ day of November, 2017.

United States District Judge