

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of Texas  
Corpus Christi Division

UNITED STATES OF AMERICA	§	
	§	
<i>Plaintiff</i>	§	
	§	
vs.	§	Civil Action No. <b>11-CV-368</b>
	§	
REAL PROPERTY KNOWN AS	§	
200 ACRES OF LAND NEED	§	
FARM TO MARKET RD 2686	§	
STARR COUNTY, RIO GRANDE	§	
CITY, TX 78582	§	
	§	Jury Request
<i>Defendant</i>	§	

**DEFENDANT’S FIRST AMENDED ANSWER TO PLANITFF’S ORIGINAL COMPLAINT**

**I. MOTION TO DISMISS FOR IMPROPER VENUE**

1. **NOW COMES**, Carlos Ricardo Tirado Tamez (“Defendant”) owner of the above described property subject of this proceeding (“Property”), and files this first amended answer and motion to dismiss due to wrong venue.

2. Defendant challenges the filing of this complaint in the division of Corpus Christi since the Property is located in Rio Grande City, Starr County, Texas, and that division does not serve Starr County, see [www.txs.uscourts.gov/addresses/cor.pdf](http://www.txs.uscourts.gov/addresses/cor.pdf) & /mca.pdf, and no allegations were made in the complaint justifying the filing in the Corpus Christi division, moving this Honorable Court to dismiss this case in accordance to 28 USC § 1406(a) providing that the district

court shall dismiss a case filed in the wrong division.

3. In the alternative Defendant hereby files the following responses to specific allegations in the complaint.

**III. RESPONSE TO SPECIFIC ALLEGATIONS IN THE COMPLAINT**

4. Defendant admits the allegations on paragraphs: 4 and 7c.

5. Defendant denies or lacks knowledge or information sufficient to form a belief about the true of the allegations on paragraphs: 7a, 7b, 7e and 7f.

6. Defendant admits the allegations on paragraphs: 1, 2 and 3 with respect to the cited laws therein but denies that the Property is subject to those proceedings.

7. With respect to paragraph 5, Defendant admits that he is the record owner of the Property but his correct name is Carlos Ricardo Tirado Tamez.

8. Defendant admits that the Property is within the Southern District but denies that it is within the jurisdiction of the Corpus Christy division.

9. Defendant admits the allegations on the first sentence of paragraph 7d, but denies or lacks knowledge or information sufficient to form a belief about the true of the allegations on the rest of said paragraph.

**IV. VERIFIED DENIAL**

10. The precedent conditions to the filing of this lawsuit by Plaintiff have not been plead nor satisfied.

**V. PRAYER**

11. Defendant prays that this Court dismiss this cause for improper venue and in the alternative to request proof of the allegations on the Original Complaint not admitted herein and any other relief to which Defendant may be entitled in law or in equity.

Respectfully submitted,

By: *Ricardo A. Rdz*

Ricardo A. Rodriguez  
Texas Bar No. 00788305  
Federal Id No. 1146317  
7001 N 10TH St Ste 302  
McAllen, TX 78504  
Tel. (956) 686-5336  
Fax (956) 686-5350  
rrodriguez@rgv.twcbc.com  
Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kenneth Magidson  
US Attorney  
And  
Julie K. Hampton  
Assistant United States Attorney  
800 N. Shore Line Blvd., Suite 500  
One Shoreline Plaza  
Corpus Christi, Texas 78401  
(361) 888-3111  
State Bar No. 24032269  
Federal Practice No. 431286

*Ricardo A. Rdz*

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Ricardo A. Rodriguez