

CAUSE NO. _____

STATE OF TEXAS,
Plaintiff,

v.

HARRIS COUNTY, TEXAS; HARRIS
COUNTY COMMISSIONERS COURT;
LINA HIDALGO, in her official capacity as
Harris County Judge; RODNEY ELLIS, in
his official capacity as Commissioner of
Harris County Precinct 1; ADRIAN
GARCIA, in his official capacity as
Commissioner of Harris County Precinct 2;
TOM RAMSEY, in his official capacity as
Commissioner of Harris County Precinct 3;
LESLEY BRIONES, in her official capacity
as Commissioner of Harris County Precinct
4; JESSE DICKERMAN, in his official
capacity as Harris County Administrator;
THAO COSTIS, in her official capacity as
Executive Director of Harris County
Housing & Community Development.
Defendants.

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

___ JUDICIAL DISTRICT

**Petition and Application for
Temporary and Permanent Injunctive Relief**

Harris County is using taxpayer dollars to fund legal representation for individuals who are unlawfully present in the United States and facing federal deportation proceedings. On October 16, 2025, the Harris County Commissioners Court approved Item No. 25-6481, allocating approximately \$1.34 million in county funds to private nonprofit organizations—including BakerRipley, the Galveston-Houston Immigrant Representation Project, Justice for All Immigrants, KIND, Inc., and the Refugee and Immigrant Center for

Education and Legal Services—for the stated purpose of providing “direct legal representation to immigrants in detention or facing the threat of deportation.” *See* Exhibit A. On October 30, 2025, the Commissioners Court approved Item No. 25-6894, authorizing an additional \$100,000 to the Houston Immigration Legal Services Collaborative to operate an “immigrant resource hotline” that connects individuals to those same legal service providers. *See* Exhibit B.

These expenditures serve no public purpose and instead constitute unconstitutional grants of public funds to private entities to subsidize individual deportation defenses. The State of Texas brings this action to uphold the Texas Constitution’s Gift Clause, art. III, § 52(a), and to stop Harris County from misusing public funds to subsidize private deportation defenses that advance no public purpose.

I. Discovery Control Plan

1. Texas intends to conduct discovery under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

II. Parties

2. Plaintiff the State of Texas is a sovereign state.
3. Defendant Harris County, Texas is a political subdivision of the State of Texas.
4. Defendant Harris County Commissioners Court is the administrative body of Harris County, Texas. It may be served through County Judge Lina Hidalgo at 1001 Preston Street, Suite 911, Houston, Texas 77002.

5. Defendant Lina Hidalgo is the Harris County Judge and presiding officer of the Harris County Commissioners Court. She may be served at her office at 1001 Preston Street, Suite 911, Houston, Texas 77002. She is sued in her official capacity.
6. Defendant Rodney Ellis is the Harris County Commissioner for Precinct 1 and member of the Harris County Commissioners Court. He may be served at his office at 1001 Preston Street, 9th Floor, Houston, Texas 77002. He is sued in his official capacity.
7. Defendant Adrian Garcia is the Harris County Commissioner for Precinct 2 and member of the Harris County Commissioners Court. He may be served at his office at 1001 Preston Street, 9th Floor, Houston, Texas 77002. He is sued in his official capacity.
8. Defendant Tom Ramsey is the Harris County Commissioner for Precinct 3 and member of the Harris County Commissioners Court. He may be served at his office at 1001 Preston Street, 9th Floor, Houston, Texas 77002. He is sued in his official capacity.
9. Defendant Lesley Briones is the Harris County Commissioner for Precinct 4 and member of the Harris County Commissioners Court. She may be served at her office at 1001 Preston Street, 9th Floor, Houston, Texas 77002. She is sued in her official capacity.
10. Defendant Jesse Dickerman is the Interim County Administrator for Harris County, Texas. He may be served at his office at 1001 Preston Street, Suite 500, Houston, Texas 77002. He is sued in his official capacity.
11. Defendant Thao Costis is the Executive Director of the Harris County Housing and Community Development Department. She may be served at her office at 1111 Fannin St., 9th Floor, Houston, TX 77002. She is sued in her official capacity. The Housing and Community Development Department, under Defendant Costis's direction, administers

the Immigrant Legal Services Fund program and is responsible for disbursing county funds to nonprofit entities under Item No. 25-6481, Item No. 25-6894, and other renewals or contracts within the same program.

III. Jurisdiction and Venue

12. This Court has subject matter jurisdiction over the claims asserted under Article V, § 8 of the Texas Constitution, Section 24.007 of the Texas Government Code, Sections 37.001 and 37.003 of the Texas Uniform Declaratory Judgment Act, and Section 65.021 of the Texas Civil Practice and Remedies Code.

13. The Court has jurisdiction over Texas's request for injunctive relief against Defendants because these Harris County officials are acting *ultra vires* by approving or implementing unlawful expenditures of public funds in violation of Article III, § 52(a) of the Texas Constitution.¹

14. Venue is proper because a substantial portion of the events giving rise to the claims occurred in Harris County, Texas, and the residence or principal office of all Defendants is in Harris County, Texas.²

15. Texas brings its claims exclusively under state law and expressly disclaims any federal cause of action or any reliance on federal law that would trigger subject-matter jurisdiction under 28 U.S.C. § 1331.

¹ See *City of El Paso v. Heinrich*, 284 S.W.3d 366, 369 (Tex. 2009) (ruling that governmental immunity does not preclude prospective injunctive remedies in official-capacity suits against government actors who “violate statutory authority or constitutional provisions.”)

² See Tex. Civ. Prac. & Rem. Code §§ 15.002, 15.005.

IV. Legal Background

16. Under the Texas Constitution, the Legislature has “no power to authorize any county, city, town, or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual . . . whatsoever[.]”³

17. The Texas Supreme Court has interpreted the Gift Clause to allow transfers of public funds to private entities only if: “(1) the expenditure is not gratuitous but instead brings a public benefit; (2) the predominant objective is to accomplish a legitimate public purpose, not to provide a benefit to a private party; *and* (3) the government retains control over the funds to ensure that the public purpose is in fact accomplished.”⁴

18. These requirements safeguard taxpayer funds by ensuring that local governments spend public money only for legitimate public ends and not to confer private benefits unrelated to their lawful governmental functions.

19. Federal deportation proceedings are civil actions, not criminal prosecutions.⁵ Because these proceedings are civil actions, individuals subject to removal have no constitutional or statutory right to government-appointed counsel. Instead, they may obtain counsel “at no expense to the Government.”⁶

³ Tex. Const. art. III, § 52(a) (Gift Clause).

⁴ *Borgelt v. Austin Firefighters Ass’n*, 692 S.W.3d 288, 301 (Tex. 2024); *see also Texas Mun. League Intergovernmental Risk Pool v. Texas Workers’ Compensation Comm’n*, 74 S.W.3d 377, 383–84 (Tex. 2002).

⁵ *See I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984) (“A deportation proceeding is a purely civil action to determine a person’s eligibility to remain in this country.”)

⁶ 8 U.S.C. § 1362.

Count I
Violation of the Texas Constitution’s Gift Clause

20. Harris County’s allocation of public funds to private nonprofit organizations for deportation-defense legal services violates Article III, § 52(a) of the Texas Constitution.

21. On October 16, 2025, the Harris County Commissioners Court approved Item No. 25-6481, allocating approximately \$1.34 million in public funds through contracts with private nonprofit organizations—BakerRipley, the Galveston-Houston Immigrant Representation Project, Justice for All Immigrants, KIND, Inc., and the Refugee and Immigrant Center for Education and Legal Services—to provide “direct legal representation to immigrants ... in detention status or facing the threat of deportation.”⁷

22. On October 30, 2025, the Harris County Commissioners Court approved Item No. 25-6894, allocating an additional \$100,000 to the Houston Immigration Legal Services Collaborative (“HILSC”) to operate an “immigrant resource hotline.”⁸ Harris County’s materials describe the hotline as the “central entry point” for individuals seeking immigration legal services from the private nonprofit organizations mentioned above.⁹

23. The Immigrant Legal Services Fund (“ILSF”) program, administered by the Harris County Housing and Community Development Department, directs taxpayer dollars to private attorneys and nonprofit organizations that represent individual clients in federal immigration and deportation proceedings. Harris County receives no return

⁷ See Exhibit A.

⁸ See Exhibit B.

⁹ *Id.*

consideration or public benefit from these expenditures, and it exercises little or no control over how the recipient organizations select clients or perform legal work.

24. These expenditures are gratuitous because they confer direct financial and professional benefits on private entities and individuals without providing a reciprocal public benefit or consideration to Harris County.

25. As mentioned above, federal law confirms that deportation proceedings are civil actions, not criminal prosecutions.¹⁰ Because these proceedings are civil actions, individuals subject to removal have no constitutional or statutory right to government-appointed counsel. They may obtain counsel “at no expense to the Government.”¹¹

26. Consequently, providing representation in such proceedings is not a public obligation but a private service to be obtained at private expense. Harris County therefore cannot plausibly claim that funding such representation serves a public benefit. These expenditures are gratuitous subsidies for private legal advocacy in civil matters wholly outside Harris County’s legal authority or responsibility.

27. Public statements from Harris County Commissioners confirm that the decision to fund deportation-defense services was motivated by policy opposition to federal immigration enforcement actions taken by the Trump administration, not by any legitimate public purpose. Commenting on the Commissioners’ vote approving the use of taxpayer dollars to defend against federal deportation proceedings, Commissioner Rodney Ellis said, “As ICE raids ramp up and federal attacks target communities of color, it’s essential for

¹⁰ See *Lopez-Mendoza*, 468 U.S. at 1038 (“A deportation proceeding is a purely civil action to determine a person’s eligibility to remain in this country.”)

¹¹ 8 U.S.C. § 1362.

Harris County to do everything we can to protect our residents, no matter their immigration status.”¹²

28. Similarly, during a September 9, 2025 meeting, Commissioner Adrian Garcia asked whether the Harris County Commissioners Court could “make some request short of a demand that [Harris County] county law enforcement not cooperate with ICE.”¹³ His remarks further illustrate that Harris County’s decision to fund deportation-defense services is driven by opposition to federal immigration enforcement rather than by any legitimate public purpose.

29. The predominant purpose of the program is to advance private interests by subsidizing personal legal representation in federal immigration matters. These activities serve only the represented clients and their counsel, not the public at large.

30. Harris County has made a politically charged decision to spend taxpayer dollars to subsidize noncitizens contesting federal immigration enforcement, a purpose that serves no public benefit.

31. Harris County also fails to retain sufficient control to ensure any purported public purpose is achieved. Harris County delegates all operational discretion to the private nonprofit recipients, which operate as independent legal-service providers entirely outside Harris County’s supervision.

¹² John Lomax V, *Harris County commissioners approve more than \$1 million for immigration assistance*, Houston Chronicle (Oct. 16, 2025), <https://www.houstonchronicle.com/politics/houston/article/deportation-defense-harris-county-21104577.php>

¹³ Harris County Commissioners Court, Special Meeting Video Recording (Sept. 9, 2025), harriscountytexas.new.swagit.com/videos/354795?ts=2.933 (statement by Commissioner Adrian Garcia at approx. 7:10:25)

32. Harris County exercises no meaningful oversight over how the recipient organizations select or represent clients under the ILSF program. Harris County itself has adopted no eligibility standards, case-selection protocol, or review process to ensure that public funds are used for a defined public purpose. Instead, eligibility and case acceptance appear to be determined by the private nonprofit organizations administering the program through the HILSC, which serves as coordinator of the ILSF.

33. This absence of oversight and accountability underscores that Harris County has relinquished control over the expenditure of public funds. Without sufficient governmental control to ensure that a legitimate public purpose is achieved, the expenditures cannot satisfy the third prong of the constitutional test and are therefore invalid.

34. The publicly available program description by HILSC states that representation is provided “regardless of the strength of [the] case or the person’s criminal record,” and that “decisions are not made on any factors other than eligibility” on a “first-come, first-serve basis.”¹⁴ As a result, taxpayer funds may be used to provide legal representation to any individual in removal proceedings, including those with serious criminal histories or other circumstances that do not advance any discernible public interest. This absence of standards, supervision, or accountability by Harris County underscores that these expenditures serve private, not public, ends.

¹⁴ Houston Immigration Legal Services Collaborative, Immigrant Legal Services Fund, <https://houstonimmigration.org/hilsc-program/immigrant-legal-services-fund/>

35. Because these expenditures are gratuitous, serve predominantly private interests, and are not subject to adequate governmental oversight, they violate the Texas Constitution's Gift Clause and constitute *ultra vires* acts by Harris County and its officials.

36. The continued implementation of the ILSF program inflicts ongoing and irreparable harm to the State's interest in ensuring that its political subdivisions expend public funds in accordance with the Texas Constitution. The State is therefore entitled to declaratory and injunctive relief restraining further disbursement of taxpayer funds under this program.

Application for Temporary and Permanent Injunctive Relief

37. "A temporary injunction's purpose is to preserve the status quo of the litigation's subject matter pending a trial on the merits."¹⁵

38. To obtain a temporary injunction, an applicant must plead and prove: "(1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim."¹⁶ These requirements are readily met here.

A. Texas is Likely to Succeed on the Merits

39. As detailed above, Harris County's allocation of public dollars to private nonprofit entities for individual deportation-defense legal services violates the Texas Constitution's Gift Clause. Harris County and its officials' actions are *ultra vires* because they are beyond its constitutional and statutory authority.

¹⁵ *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

¹⁶ *Id.* at 204.

40. Texas is likely to succeed on the causes of action described above. Texas, as a sovereign entity, “has an intrinsic right to enact, interpret, and enforce its own laws.”¹⁷ This includes a right to “reassert the control of the state.”¹⁸ Injuries to this right are sufficient to both create standing to sue and show irreparable harm.¹⁹

41. The State is likely to prevail on the merits because the challenged expenditures are gratuitous, serve no legitimate public purpose, and lack adequate governmental control. They are therefore unconstitutional and void.

B. Texas will be Imminently and Irreparably Injured Absent an Injunction

42. Without injunctive relief, Harris County will continue to disburse taxpayer funds under the Immigrant Legal Services Fund program beginning January 1, 2026, pursuant to the Commissioners Court’s October 16, 2025 approval. Those payments include Item 25-6481 and any related renewals or successor programs funding deportation-defense or immigration-related legal services. Once expended, those public funds cannot be recovered or restored through ordinary legal remedies.

43. A temporary injunction is therefore necessary not only to prevent the unlawful expenditure of taxpayer funds but also to preserve this Court’s jurisdiction. Once the funds are disbursed, the controversy as to those expenditures becomes moot, and the Court would be deprived of its power to adjudicate the legality of Harris County’s actions.²⁰

¹⁷ *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015).

¹⁸ *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

¹⁹ *See, e.g., Valentine v. Collier*, 956 F.3d 797, 803 (5th Cir. 2020); *Texas v. EEOC*, 933 F.3d 433, 447–48 (5th Cir. 2019); *Texas Ass’n of Bus. v. City of Austin, Texas*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied).

²⁰ *See In re State*, 711 S.W.3d 641 (Tex. 2024) (holding that the State was entitled to

44. The continued diversion of taxpayer money to private entities for unconstitutional purposes constitutes an ongoing and irreparable injury to the State’s interest in the lawful administration of public funds and to the constitutional limitations placed on its political subdivisions.

45. The Texas Supreme Court has explained that a century’s worth of precedent establishes “the State’s ‘justiciable interest in its sovereign capacity in the maintenance and operation of its municipal corporation in accordance with law.’”²¹ The Court noted that an *ultra vires* suit is a necessary tool to reassert the State’s control over local officials who are misapplying or defying State laws.²² The Court reasoned: “[This] tool would be useless . . . if the State were required to demonstrate additional, particularized harm arising from a local official’s specific unauthorized actions.”²³

46. The Court continued that “[t]he [State] would be impotent to enforce its own laws if it could not temporarily enjoin those breaking them pending trial.”²⁴ The Court found that “[w]hen the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction.”²⁵

temporary relief because the unlawful disbursement of public funds “could not be remedied or undone if payments were to commence while the underlying appeal proceeded”).

²¹ *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (quoting *Yett*, 115 Tex. at 842).

²² *Id.* at 410.

²³ *Id.* (internal citations omitted).

²⁴ *Id.*

²⁵ *Id.*

C. Temporary Injunctive Relief is Necessary to Prevent Irreparable Harm

47. A temporary injunction is necessary to prevent irreparable harm. Once the County disburses funds under the Immigrant Legal Services Fund, those payments cannot be recovered or restored if later determined to be unconstitutional.²⁶ Temporarily preventing the expenditure of these funds ensures that public monies are not irreversibly spent in violation of the Texas Constitution.²⁷

48. The balance of harms likewise favors injunctive relief. Harris County will suffer no cognizable injury from being required to follow the Texas Constitution.²⁸ Nor are the citizens of Harris County harmed “by requiring the County to abide by the Texas Constitution.”²⁹ Temporarily preventing the expenditure of these funds ensures that public funds are not irreversibly spent in violation of the Texas Constitution while this action proceeds.³⁰

49. A temporary injunction is also necessary to protect this Court’s jurisdiction. Once public funds are disbursed, any challenge to those expenditures becomes moot, depriving the Court of the ability to adjudicate their legality. As the Supreme Court recognized in *In re State*, the unlawful disbursement of public funds “could not be remedied or undone if payments were to commence while the underlying appeal proceeded.”³¹ Enjoining Harris

²⁶ See *In re State*, 711 S.W.3d 641, 647 (Tex. 2024) (“The harm alleged here is irreparable in another sense as well. Once the funds are distributed to individuals, they cannot feasibly be recouped if it is later determined they were paid in violation of the Texas Constitution.”).

²⁷ *Id.* at 648.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 648.

³¹ *Id.* at 646.

County's payments preserves this Court's jurisdiction and ensures that its eventual judgment will not be rendered ineffectual by the irreversible loss of taxpayer funds.

50. The Immigrant Legal Services Fund is not a single lump-sum payment but a periodically renewed program of multiple vendor contracts. Through this program, the Harris County Housing and Community Development Department administers and disburses funds to several nonprofit entities. Each disbursement of public funds constitutes a separate and independent violation of the Texas Constitution, and each future payment inflicts new and irreparable harm that cannot be remedied once made.³²

³² *Id.* at 647–48.

V. Demand for Relief

The State of Texas demands the following relief:

- a. A temporary injunction enjoining Defendants, their agents, officers, employees, and any third-party contractors or entities acting in concert with them or on their behalf, from disbursing or causing the disbursement of public funds under Item No. 25-6481, Item No. 25-6894, or any related renewals or successor programs funding deportation-defense or other immigration-related legal services. This relief should extend to any nonprofit or other private organization serving as a third-party contractor for the expenditure of those funds, consistent with Texas Rule of Civil Procedure 683, which authorizes injunctive relief binding “the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert participation with them.”
- b. A permanent injunction enjoining Defendants, their agents, officers, employees, and any third-party contractors or entities acting in concert with them or on their behalf, from expending or disbursing public funds under Item No. 25-6481, Item No. 25-6894, or any related renewals or successor programs funding deportation-defense or other immigration-related legal services, or from entering or performing any contracts for that purpose. This permanent injunction should likewise bind any private entities administering or dispensing such funds, in accordance with Texas Rule of Civil Procedure 683.
- c. A declaration that the expenditure of Harris County funds under Item No. 25-6481, Item No. 25-6894, and any related renewals or successor programs funding deportation-defense or other immigration-related legal services violates the Texas Constitution.
- d. An award of costs and attorneys’ fees;
- e. All other relief that the Court may deem just, proper, or equitable.

Dated: November 10, 2025

Respectfully submitted.

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Declaration

My name is Anthony Dolcefino, and I am an employee of the Office of the Texas Attorney General. I am executing this declaration as part of my assigned duties and responsibilities. I am over the age of 18 and otherwise fully capable of making this declaration. I have read the foregoing *Petition and Application for Injunctive Relief*, and I declare under penalty of perjury that the facts stated therein are within my personal knowledge and are true and correct.

Executed in Travis County, Texas, on the 10th day of November 2025.

/s/ Anthony Dolcefino
Anthony Dolcefino