

ENTERED

December 08, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

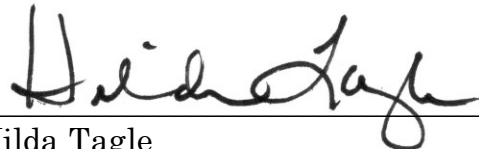
RUBEN GUTIERREZ, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL NO. 1:19-CV-185
	§	
LUIS V SAENZ, <i>et al</i> ,	§	
	§	
Defendants.	§	

PARTIAL FINAL JUDGMENT AS TO LISTED DEFENDANTS

Having declared that giving a defendant the right to a successive habeas petition for innocence of the death penalty under Texas Code of Criminal Procedure Article 11.071 § 5(a)(3) but then denying him DNA testing under Texas Code of Criminal Procedure Article 64.03(a)(C)(2)(A) unless he can demonstrate innocence of the crime is fundamentally unfair and offends procedural due process, the Court **ORDERS** the entry of partial final judgment consistent with its orders of March 23, 2021 and December 8, 2021.

This is a **PARTIAL FINAL JUDGMENT**.

SIGNED this 8th day of December 2021.



Hilda Tagle
Senior United States District Judge