

DEC 17 2024

DISTRICT COURT OF CAMERON COUNTY, TEXAS



By Felix J. J. J. Deputy

NO. 2021-DCL-05478

NANCY VASQUEZ AND
BOLIVAR BUILDING AND CONTRACTING, LLC

IN THE DISTRICT COURT

VS.

OF CAMERON COUNTY, TEXAS

RANDALL BOLIVAR,
BOLIVAR CONGLOMERATE, LLC, AND
MARIA S. REY

THE 357TH JUDICIAL DISTRICT

**ORDER SUMMARILY DISMISSING WITHOUT PREJUDICE
DEFENDANT MARIA S. REY'S MOTION TO RECUSE.**

On December 5, 2024, the Honorable Missy Medary, Presiding Judge of the Fifth Administrative Judicial Region of Texas, signed her Order No. 24-5AJR-495 assigning the undersigned Judge to hear and consider the "Motion to Recuse" Judge Juan A. Magallanes, the elected Judge of the 357th District Court, in which this cause is pending. The motion was filed on November 27, 2024 by MARIA S. REY,¹ a Defendant and Movant herein.

Before proceeding to address the pending the motion to recuse, the Court must first address a preliminary matter. Rule 57, Texas Rules of Civil Procedure, requires that a person, whether an attorney or a *pro se* litigant, shall sign any pleading filed in the cause and shall state his or her contact information, which includes address, telephone number, email address and, if available, fax number.

The pending motion is a four-page document. The first page states the entire motion to recuse, but is not signed nor does it provide the contact information required by Rule 57. The second page is a Verification signed by Jonathan D. Enright before a Notary Public. Mr. Enright does not state that he is an attorney; but if he is an attorney, he did not state his State Bar of Texas identification number. In either event, he did not provide the required contact information. The third page is a Certificate of Service signed by Mr. Enright. The fourth page is a proposed unsigned and undated Order granting the motion to recuse.

That a *pro se* party was not aware of the requirements of Rule 57 is no excuse. Needless to say, a Texas licensed attorney is obligated to follow the Texas Rules of Civil Procedure adopted by the Supreme Court of Texas. The Rules must be complied with.

¹ There is no indication that the other Defendants named in the motion join in the motion to recuse.

Because the motion to recuse fails to meet the basic requirements of Rule 57, the motion is not properly before the Court. Accordingly, the Court will dismiss the motion without prejudice. Movant may file an amended motion to recuse that complies with the requirements of Rule 57. However, failure to file an amended motion on or before December 12, 2024 will result in the dismissal of the motion to recuse with prejudice.

IT IS THEREFORE ORDERED that the motion to recuse Judge Juan A. Magallanes from this pending cause be and is hereby summarily **DISMISSED** without prejudice.

The Clerk of this Court shall enter this Order for record and shall send a certified copy of this Order to Movant/Defendant, all other parties and to all counsel of record.

The Clerk shall also send a copy of this Order to the Presiding Judge of the Fifth Administrative Judicial Region of Texas.

Signed on December 9, 2024.



JOSE MANUEL BANALES
SENIOR JUDGE PRESIDING BY ASSIGNMENT