

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, GALVESTON DIVISION

John Marks v. City of Manvel, et al.

Marks · No. 3:24-cv-00243 · Decided December 1, 2025

SUMMARY

The court grants the Texas Department of Public Safety's motion to quash a subpoena seeking the deposition of a Texas Ranger concerning conversations witnessed during an arrest. Applying Fifth Circuit precedent, the court holds that sovereign immunity protects a state agency and its official from compelled discovery, including third-party subpoenas, when the official was acting in an official capacity. The document's narrative refers to Freddie Douglas, although the caption identifies the plaintiff as John Marks.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Galveston Division
WRITING FOR THE COURT	Andrew M. Edison
JURISDICTION	United States District Court for the Southern District of Texas, Galveston Division
DECIDED	December 1, 2025
DOCKET	3:24-cv-00243
DISPOSITION	other
PROCEDURAL POSTURE	Nonparty Texas Department of Public Safety moved to quash a subpoena seeking the deposition of Texas Ranger Aaron Arizmendi in federal civil-rights litigation. After oral argument, the requesting party abandoned the document-production portion of the subpoena and sought only Arizmendi's deposition testimony.
STANDARD OF REVIEW	The order applies the governing legal rule concerning sovereign immunity and compelled third-party discovery; no separate standard of review is stated.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

- discovery dispute
- sovereign immunity
- eleventh amendment immunity
- civil procedure
- section 1983

PRACTICE AREAS

civil procedure

civil rights

constitutional law

sovereign immunity

discovery dispute

QUESTIONS PRESENTED

1. Whether state sovereign immunity bars a federal court from compelling a state employee, acting in an official capacity, to comply with a third-party deposition subpoena.
2. Whether Fifth Circuit precedent governing subpoenas directed to state entities and officials applies to the deposition of a Texas Ranger who witnessed relevant events while acting as a state official.

HOLDINGS

1. State sovereign immunity prevents a federal court from compelling a state official acting in his official capacity to appear for a third-party deposition.
2. The fact that the state agency and official were third parties to the litigation does not remove sovereign-immunity protection when the official acted in his official capacity.

KEY QUOTATIONS

“Because Arizmendi was acting in his official capacity as a Texas Ranger when he witnessed the two conversations at issue, sovereign immunity prevents me from forcing a state official like Arizmendi to appear for a deposition.” (Order)

“Accordingly, I grant the motion to quash.” (Order)

FACTUAL BACKGROUND

The opinion states that Texas Ranger Aaron Arizmendi participated in the arrest underlying the federal civil-rights litigation and witnessed conversations involving investigating and arresting law-enforcement officers. The subpoena sought documents and Arizmendi's deposition testimony, but the document request was abandoned at oral argument. Counsel conceded that Arizmendi witnessed the conversations only because he had been asked, in his capacity as a Texas Ranger, to participate in the arrest.

PROCEDURAL HISTORY

The plaintiff served TDPS with a third-party subpoena for documents and the deposition of Texas Ranger Aaron Arizmendi. TDPS objected on state-sovereign-immunity grounds and moved to quash. The district court granted the motion to quash, concluding that binding Fifth Circuit precedent barred compelled discovery from a state official acting in his official capacity.

DISPOSITION

other

CASES CITED

- Russell v. Jones, 49 F.4th 507, 514–15, 518–19 (5th Cir. 2022)

- Thompson v. Richter, No. 24-10837, 2025 WL 1233519, at *2 (5th Cir. Apr. 29, 2025)
- Alden v. Maine, 527 U.S. 706, 715 (1999)
- Mitchell v. Forsyth, 472 U.S. 511, 526 (1985)
- Drs. Hosp. of Laredo v. Cigarroa, No. SA-21-CV-01068, 2023 WL 11987993, at *1 (W.D. Tex. May 19, 2023)
- Steadman v. Tex. Rangers, 179 F.3d 360, 363 (5th Cir. 1999)

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