

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

United States Court
Southern District of Texas
FILED

AUG - 4 2008

Michael N. Kirby, Clerk of Court

N. Del Rio & Victor Del Rio

Vs.

Case No: 4:2008cv02366

Denise 'Dede' Drexler & Tracey Del Rio

**EMERGENCY MOTION FOR TEMPORARY INJUNCTION, EX PARTE
RESTRAINING ORDERS AND CUSTODY**

TO THE HONORABLE JUDGE EWING WELEIN, JR:

N. and Victor Del Rio respectfully request an Emergency Motion for Temporary Injunction in desperately needed relief:

This Motion concerns the Defendants Denise 'Dede' Drexler and Tracey Del Rio who have been, and are, collaborating in the debilitation and torment of Plaintiffs N. Del Rio and Victor Del Rio through the use of State employed or State licensed personnel and/or other resources. This collaboration has been ongoing since or before 2000 and is a clear violation of their, and of their supportive family members, Constitutional rights and Civil liberties.

This collaboration was discovered while I, Victor Del Rio, litigated against Spring Independent School District in Due Process (TEA DOCKET NO: 217-SE-0508) and in preparation for U.S. District Court (DOCKET NO: H-07-3437) in December 2007. Upon receiving news of N's remarkable progress with three and half months of 1to1 intensive education of my home schooling and the approach of Pre-Trial Conference, Tracey Del Rio absconded with N. muttering "we can't have that happen" in reference to his progress and pending legal action. In the following two and a half months, I overheard her coercing N into stating he no longer wanted to take his prescribed medication. Days later with Tracey looming over his shoulder, he stated to me that he wanted to be home schooled by his mother instead, no longer wanted contact with me or to continue his pursuit of a career as a comic book artist. Then Tracey proceeded to deny me all contact with N only communicating to torment me, and N, for the next two and a half months. I had no choice but to withdraw my cases while I pleaded for Tracey to resume my visitation and contact with N. Tracey managed to pass on a message from Denise 'Dede' Drexler expressing her best wishes in me finding an attorney to represent me in Civil Court sometime in late Dec 2007.

More evidence of their collaboration became evident when I discovered access to my home and private life was being compromised at all hours by parties primarily interested in N's home school videos, paperwork related to him, my emotional state and intentions, and my firearms. This was possible by Tracey passing on N's copy of my house key and alarm code until I discovered this too late. (Harris County Case NO: 0409181931, HC0817159, HC070075339)

Rumor of their plot to have me committed was confirmed with a comment in a letter from my former employer, discovery that my 2000 divorce had not been finalized, my neighbors across the street blatantly videotaping and monitoring me at night, me almost being absconded while trying to proceed to the Magistrate with paperwork intended for Tracey, and statements made by Tracey including her mother and aunt (Lois Hill and Joan Colbert) in May 2008.

Their plot to retaliate against me with N's sudden mental retardation became apparent as Tracey repeated to me that N would only beat his ears and not speak several times in Jan and Feb 2008. In a conversation with N one night in mid February, Tracey coerced N into stating he could no longer speak. The following day, Tracey suddenly wanted me to see N at her workplace even after having issued trespass warnings against me there and her home. My desperation for not having had with N for weeks and their attempt to make him appear impaired (through his braces having been recently tightened and new rubber bands) was meant to drive me into hysterics so they could have reason to have me committed. Passing on her sudden offer and the then D.A. having just vacated office prevented their success.

More evidence of their collaboration and co-conspirators became evident with Harris County Family Court 311 as I finally was able to secure an attorney after several failed attempts at Pro Se. My attorneys deliberately mishandled my case despite my continuous protests that everything they, Tracey's attorney, and Judges were obviously only interested in was the best interest of Denise 'Dede' Drexler (S.I.S.D.) and Tracey Del Rio. I cannot find an attorney who will help me present our case containing Civil, Criminal and Family Law issues in District Court or my request for compliance to RULES OF THE JUDICIAL DISTRICT COURTS OF HARRIS COUNTY, TEXAS FAMILY TRIAL DIVISION RULE 2. TRANSFER OF CASES pertaining to cases with Multiple Suits.

Despite their obvious bias and evidence of collaboration exhibited in Family Court 311 (Cause No. 2000-27121, 2008-27121) and the attorneys involved (Myrna Gregory – N. and Victor Del Rio; Elizabeth Pagel – Tracey Del Rio), proceedings continue despite my protests. I have every reason to believe our case will only be fairly heard in a higher court considering the civil and criminal issues I was instructed not to mention.

This collaboration is a complete abuse of power that has caused us continuous, extreme burden mentally, emotionally, physically, and financially. The purpose of this temporary injunction is to maintain the status quo with N. staying in his preferred custody, as evidence in videotape witness by my mother Juana Del Rio, as well as my, preferred custody to prevent further irreparable damage or change.

WHEREFORE, PREMISES CONSIDERED, we request for the Court to treat this as an emergency motion pursuant to Rule 19(e), Tex. R. App. P.

Respectfully submitted,

N. and Victor Del Rio

By: NICK DELRIO

N. Del Rio

By: Victor Del Rio

Victor Del Rio

PLAINTIFFS

(Pro Se, temporarily until Court may grant much needed appointed Counsel).

Notes:

1. Myma Gregory of Gregory & Gregory, 1225 N Loop W, # 1108, Houston, TX 77008, ph 713-861-1293
2. Elizabeth Pagel of Lanier & Pagel, 116 S Avenue C Humble, TX 77338, ph 281-446-1000
3. Judges Warne & Shelton, Harris County Courthouse, 1115 Congress, 7th Floor, Houston, Tx 77002, ph 713-755-6242