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WESTERN DIVISION
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

DAVID HUERTA,
Defendant.

Case No.: 2:25-CR-00841-SB

**JOINT STATUS REPORT
REGARDING DEFENDANT'S
MOTION TO COMPEL (DKT.
60).**

1 Pursuant to this Court's order (Dkt. 88), Defendant, David Huerta, by and
2 through his counsel of record, Marilyn E. Bednarski of McLane, Bednarski & Litt,
3 LLP and Abbe David Lowell and David A. Kolansky of Lowell & Associates,
4 PLLC, and Plaintiff, United States of America, by and through its counsel of record,
5 the Acting United States Attorney for the Central District of California, Assistant
6 United States Attorneys Neil Thakor and Chris Bulut, hereby submit this Joint
7 Status Report regarding the status of Defendant's motion to compel discovery (Dkt.
8 60) (the "Motion"). Each of the parties' respective positions on whether the Motion
9 has been resolved is included below.

10 **MR. HUERTA'S POSITION**

11 As detailed below, certain discovery issues regarding the government's
12 production of electronic data for the agents' text messages have not been resolved.

13 On January 6, 2026, Mr. Huerta moved for an order compelling certain
14 government discovery because the prosecution had yet to satisfy its affirmative
15 discovery obligations and Mr. Huerta's specific written discovery requests for
16 metadata and other ownership information for the previously produced files.
17 Specifically, Mr. Huerta sought (i) any metadata for or associated with government
18 agents' text messages that have previously been produced to the Defense, and (ii)
19 any metadata for photos and videos taken of the scene on June 6, 2025 that have
20 previously been produced to the Defense.¹

21 In response on January 13 (Dkt. 60), as to the text message information, the
22 government had "agreed to create an excel sheet with the information requested
23 above on each of the text messages, which it is in the process of creating." Dkt. 60
24

25 ¹ Because of certain follow-up information provided by the government about
26 the metadata for the photos and videos taken on June 6, 2025, this request is now
27 moot. For the foregoing reason, this Joint Status Report will only address issue (i)
28 pertaining to the agents' text messages.

1 at 6; *id.* at 2 n.1 (noting the government’s agreement “to produce the *information*
2 that would be contained in the metadata” for the agents’ text messages). The defense
3 was content with that representation and agreement, and did not submit a reply brief.

4 On January 19, 2026, in a supplemental discovery letter, Mr. Huerta’s counsel
5 renewed its request for all underlying information for agents’ text messages “in an
6 index or Excel format, including the file name, date of capture/receipt/transmission,
7 and any other relevant data, for any previously produced messages” *as well as* for
8 additional screenshots of agents’ text messages produced by the government on
9 January 14, 2026 (Production Vol. 008). **Ex. A** at 1 (Req. 1). The government
10 responded by e-mail later that day but not about the text message information sought.

11 On January 24, 2026, the government produced additional agents’ text
12 messages, again for the first time, this time between Detention Officer Carey Crook
13 and Assistant Field Office Director Christian Menjivar regarding the June 6, 2025
14 event (Production Vol. 009). The government also produced, for the first time, new
15 call logs, text messages, and pictures from HSI Special Agent Seth Tuggs from June
16 6. In its cover email, the government provided the full names and partial phone
17 numbers for two of the HSI special agents contained in the text messages produced
18 on January 14 (as requested in Mr. Huerta’s January 19 discovery letter). **Ex. B**
19 (1/24/26 Email from AUSA Thakor to Defense Counsel).

20 On February 2, 2026, Mr. Huerta’s counsel renewed and reiterated its request
21 for all underlying information for agents’ text messages, writing: “can you please
22 provide a status update on the excel spreadsheet for the agents’ text messages,
23 including now the new text messages produced in Prod 009 (Crook-Menjivar texts;
24 SA Tugg[s] texts)? Your Opposition to our Mot. to Compel Discovery (Dkt 58)
25 stated that the government ‘agreed to create an excel sheet with the information
26 requested above on each of the text messages, which it is in the process of creating.’
27 (Dkt. 60 at 6). We also need the phone number and contact details for each of the

1 contacts/recipients in those text messages, and you indicated in your email on
2 1/24/26 that you would be providing ‘screenshots of the metadata’ for each of SA
3 Tuggs’ phone calls.” **Ex. C** (2/2/26 Email from Defense Counsel to AUSA Thakor).
4 The government did not respond to that request substantively except to say that it
5 was “following up on the discovery items below.” *Id.*

6 On February 4, 2026, Mr. Huerta’s counsel renewed for the fourth time, in a
7 supplemental discovery letter, its prior request “[f]or any new agent text messages
8 or call logs in Government Production 008 or Production 009, [. . .] all metadata
9 affiliated with those messages or call logs in an index or Excel format, including the
10 file name, date of capture/receipt/transmission, and any other relevant data (on
11 January 5, 2026, the government indicated it would provide this information in this
12 format rather than an extraction of agents’ phone; we have not yet received that).”
13 **Ex. D** at 2 (Req. 4). With no response received, on February 9, 2026, Mr. Huerta’s
14 counsel followed up with government counsel, “to make sure you received our
15 February 4th letter with supplemental discovery requests” and specifically asked the
16 government to “please provide a status update on:

- 17 1. The excel spreadsheet for the agents' text messages, including the new
18 messages produced in Prod 009 (Crook-Menjivar texts; SA Tugg
19 texts)? Your Opposition to our Mot. to Compel Discovery (Dkt 58)
20 stated that the government ‘agreed to create an excel sheet with the
21 information requested above on each of the text messages, which it is in
22 the process of creating.’ (Dkt. 60 at 6). You also indicated in your
23 January 24 email that you would be providing ‘screenshots of the
24 metadata’ for each of SA Tuggs' phone calls.”

25 **Ex. C** (2/9/26 Email from Defense Counsel to AUSA Thakor).

26 On February 10, 2026, the government responded by e-mail as follows:
27
28

1 Regarding the three items below, we intend to make another production this
2 week with additional information on text messages and calls from agents at
3 the Ambiance location, including from SA Tuggs. *I understand from*
4 *speaking with our staff that the spreadsheet is a little more difficult to create*
5 *given the images in the text messages, so that is still a work in progress.*

6 **Ex. C** (2/10/26 Email from AUSA Thakor to Defense Counsel) (emphasis added).

7 No further timeline or detail was provided to the defense.

8 On February 12, 2026, counsel for the parties met and conferred by video.
9 Mr. Huerta's counsel again asked the government for an update on the outstanding
10 excel sheet and text message information, to which AUSA Thakor indicated that the
11 Office has staff working on the request, but with limited resources, it still remains in
12 progress.

13 Over the weekend, Mr. Huerta's counsel prepared a draft Joint Status Report
14 and sent it to the prosecutors on the morning of February 16, 2026. At 12:28 AM
15 EST on the eve of this filing, the government provided Mr. Huerta, for the first time,
16 with an excel spreadsheet containing certain data for text messages between Agents
17 J. Crossen and R. Ribner. Because we have not yet had a chance to fully review the
18 spreadsheet's substance, as it was just received by defense counsel, we cannot make
19 a representation about its completeness prior to filing this JSR, until we can compare
20 its contents against the original messages provided in this case. Notably missing,
21 however, is the remaining data for the *other agents'* text messages previously
22 requested by the defense (and described herein), including between SDDO Carey
23 Crook and AFOD Christian Menjivar

24 Defense counsel will review the new material promptly and will be prepared
25 to advise the Court of this, and any continuing issues, at the hearing on February 20.

GOVERNMENT'S POSITION

Photographs: As stated in its Opposition to the Motion to Compel, prior to the Motion being filed, the government had already provided the metadata for the pictures it produced in native format. As result, the request is moot.

June 6 Text messages: The government also contends the Motion is moot with respect to the June 6 text messages. The government has produced both (a) the information requested about each of the June 6 text messages at issue in the Motion; and (b) created a searchable excel sheet containing the information for defendant's convenience.

The defendant sought the following information about the text messages between SA Ribner and TFO Crossen on June 6: “(i) which agents were communicating with one another; (ii) what telephone number(s) and mobile devices (personal, government-issued, or both) were being used; (iii) the time and time zone that messages were sent; and (iv) [...] to read certain messages themselves—as certain messages are cut off due to the screenshot nature of the messages.” (Dkt. 58, “Mtn. to Compel”, 17:10-17.) The government agreed to provide that information and create a searchable excel sheet with that information for defendant. First, on January 14, 2026, the government produced all of the information defendant requested in its Motion to Compel. As shown in

Government's Exhibit 1, the government re-produced the June 6 text messages with time stamps so that defendant can tell exactly when each text message was sent. In addition, the government explained in an email that the text messages were between the government phone of SA Ribner and the personal phone of TFO Crossen, except for a handful of text messages which were between the government phone of SA Ribner and the government phone of TFO Crossen. The government also provided the last four digits of the phone number of the two phones used by TFO Crossen on June 6. (Gov. Ex. 1, p. 1.)

Second, the government also created a searchable excel sheet containing the information about the text messages. That excel sheet was produced on February 16, 2026, and is attached as **Government's Exhibit 2**, a snapshot of which is pasted below.

(Gov. Ex. 2.)

Text	Time	Sender	Sender#	Receipient	Recepoint#	Bates Number
Getting out on foot to get her car. She's still here and looks panicked	10:10 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000824
[IMG_2557]	10:10 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000824
[IMG_2581.MOV]	10:14 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000825
Her plate. Installed to her she thinks I'm filing as a concerned citizen lol. She said she was late to work.						
The handbag place next door closed its doors	10:14 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000826
[IMG_2552]	10:14 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000826
[IMG_2553]	10:14 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000826
According to her this place locked up and is freaked out	10:15 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000826
[IMG_2580.MOV]	10:15 AM	TFO Crossen	-2942	SA Ribner	-9789	HUERTA_00000827

In the excel sheet, the government provided in searchable format the following information for each of 142 text messages from June 6 between SA Ribner and TFO Crossen: (a) the text of the messages; (b) the time it was sent; (c) the sender; (d) the last four digits of the sender's phone number; (d) the recipient; (e) the last four digits of the recipient's phone number; and (f) the corresponding bates number where the text message can be found in the production. In addition, for each of the images and video contained in the text messages, the government identified the corresponding file name contained in the government's productions.

Accordingly, all of the information about the June 6 text messages has been produced and has been organized in a searchable excel sheet for defendant's convenience. Defendant's Motion is moot.²

² The government has continued to search for relevant communications that were sent or received from the 56 agents involved in the search warrant execution and has produced communications as it has discovered them. The government made additional productions on January 14, 2026, January 24, 2026, and February 12, 2026. In addition, the government responded to defendant's ongoing and new discovery requests on January 14, 2026, January 19, 2026, January 20, 2026, and

1 DATED: February 17, 2026

Respectfully Submitted,

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3 McLANE, BEDNARSKI & LITT, LLP

4 By: /s/ Marilyn E. Bednarski
5 Marilyn E. Bednarski
6 Attorney for Defendant Huerta

7 LOWELL & ASSOCIATES, PLLC

8 By: /s/ Abbe David Lowell
9 Abbe David Lowell (*pro hac vice*)
10 David A. Kolansky (*pro hac vice*)
11 Attorney for Defendant Huerta

12
13 DATED: February 17, 2026

14 By: /s/ Neil P. Thakor
15 NEIL THAKOR
16 CHRIS BULUT
17 Assistant United States Attorneys

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26 January 24, 2026 and February 10, 2026. The government's portion of the joint
27 status report only addresses the issues raised in the Motion to Compel, however the
28 government will be prepared to discuss any additional discovery issues during the
February 20, 2026, hearing.