

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOSE MARIA DeCASTRO,

Plaintiff,

v.

CITY OF DUNCAN, OKLAHOMA, et al.,

Defendants.

FILED

AUG 21 2026

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY JD , DEPUTY

Case No. 5:26-cv-00027-G

PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED SUR-REPLY

Plaintiff Jose Maria DeCastro, appearing pro se, respectfully moves for leave to file the Amended Sur-Reply attached as Exhibit A in place of the Sur-Reply filed August 20, 2026 (Doc. 31). In support, Plaintiff states as follows.

1. On August 6, 2026, the Court granted Plaintiff leave to file the surreply then presented as an exhibit to his motion, and directed that it be filed within fourteen days.
2. Plaintiff filed the Sur-Reply on August 20, 2026, within the time allowed. (Doc. 31).
3. Plaintiff files this motion one day later. The Amended Sur-Reply attached as Exhibit A preserves the arguments presented in Doc. 31 and adds Section V, which addresses state court records in the underlying Oklahoma prosecution. Those records are attached to the Amended Sur-Reply as Exhibits 1 through 6.

4. Section V responds to two arguments in Defendant Smith's Reply. First, the Reply argues that Plaintiff cannot invoke the bad faith exception to Younger abstention because he relies on the allegations of his pleading and has not come forward with additional, supplemental evidence. (Doc. 28, pp. 2-4). Second, the Reply and the underlying Motion to Dismiss argue that decisions by the prosecutor and the state court broke the causal chain between Defendant Smith's affidavit and the warrant. (Doc. 24, p. 20; Doc. 28, p. 10). The state court records addressed in Section V bear on both arguments.

5. Plaintiff states plainly that these records are not newly discovered. They were entered in the state court between May 15, 2026 and June 30, 2026, and therefore existed before Doc. 31 was filed. Plaintiff, proceeding without counsel, did not include them in the document he filed on August 20. He seeks leave promptly upon recognizing the omission rather than allowing the record to stand incomplete on a point Defendant has squarely raised.

6. The Amended Sur-Reply also contains minor wording refinements in Sections II, IV, VI, and VII. Each narrows rather than enlarges the position stated in Doc. 31. No new authority is cited in those sections, and no argument is added to them.

7. The Amended Sur-Reply is 17 pages, of which twelve are argument. The Last two pages are cert of service. Under LCvR7.1(e), the signature block, certificate of service, and exhibits do not count toward any page limitation, and briefs other than summary judgment briefs may run to twenty-five pages. The Amended Sur-Reply is within that limit. To the extent the Court considers the ten-page limitation of LCvR7.1(h) applicable to a sur-reply, Plaintiff requests leave in the

alternative to file a brief of fourteen pages. The added length is attributable entirely to Section V.

8. No party is prejudiced. Defendant has not responded to Doc. 31, no hearing has been set, and no deadline in this case is affected. If the Court grants leave, Defendant may respond to the added material on any schedule the Court directs.

9. This motion is not made for delay. Granting it places one complete document before the Court rather than two overlapping versions of the same brief.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to file the Amended Sur-Reply attached as Exhibit A in place of the Sur-Reply filed August 20, 2026, and, to the extent necessary, permit the Amended Sur-Reply to exceed ten pages, and grant such other relief as the Court deems just and proper.

Dated: August 21, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jose M. DeCastro", written over the text "Respectfully submitted,".

/s/ Jose M. DeCastro
Jose Maria DeCastro, Pro Se
5350 Wilshire Blvd., P.O. Box 36143
Los Angeles, CA 90036
chille@situationcreator.com

CERTIFICATE OF SERVICE

I certify that on August 21, 2026, a true and correct copy of the foregoing Motion, together with Exhibit A and the Proposed Order, was served on counsel of record via the Court's CM/ECF system, including:

Robert S. Lafferrandre (rlafferrandre@piercecouch.com)
Jeffrey C. Hendrickson (jhendrickson@piercecouch.com)
Jessica James Curtis (jjamescurtis@piercecouch.com)
Pierce Couch Hendrickson Baysinger & Green, L.L.P.
1109 North Francis Avenue
Oklahoma City, Oklahoma 73106

/s/ Jose M. DeCastro
Jose Maria DeCastro