

AT 9:40 O'CLOCK AM
OCT 15 2025

Cause No. 25-151-DCCV-00050

THE STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT OF

Magalle Cam

v.

LOVING COUNTY, TEXAS

MALCOLM TERRALL TANNER,
Defendant.

143rd JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING
FOR TEMPORARY INJUNCTION**

On this day, the Court, having considered Plaintiff's, the State of Texas's (State), Verified Original Petition and Request for an Emergency Temporary Restraining Order, Injunctive Relief, and Civil Penalties, grants the State's request for an ex parte emergency temporary restraining order enjoining Defendant Malcolm Terrall Tanner (Defendant) and his officers, agents, employees, and all other persons in active concert or participation with him from: 1) discharging or allowing the discharge of any sewage or human excreta in a manner that could contaminate the soil, sub-surface drinking water, or create the potential for disease transmission; and 2) allowing any person to move on to, reside, or otherwise establish habitation or domicile on the property located at 2985 Private Road 3008, Mentone, Texas 79754 parcels 108451 and 108463.

Based on the verified Petition and other evidence presented with the State's application, **the Court finds** that Defendant and his officers, agents, employees, and other acting in concert or participation with him have violated or are threatening to violate Texas Health and Safety Code section 341 by discharging or

allowing the discharge of sewage or human excreta in a manner that could contaminate the soil, sub-surface drinking water, or create the potential for disease transmission. As a result of said discharge, this Order is entered ex parte to prevent the immediate and irreparable injury, loss, or damage to public health. The contamination of soil, sub-surface drinking water, and the potential for disease transmission is irreparable.

The State has, therefore, met its burden establishing the requirements for being granted injunctive relief under Texas Health & Safety Code section 341.092(f).

Finally, **the Court further finds** that because the State seeks injunctive relief pursuant to an authorized statute, it need not prove immediate and irreparable injury, nor does the Court have to balance the equities when the State litigates in the public interest. *See State v. Texas Pet Foods*, 591 S.W.2d 800 (Tex. 1979). Accordingly, the application for an emergency ex parte temporary restraining order is **GRANTED**.

It is, therefore, ordered that, for the duration of this order and any extensions of such order granted by this Court or agreed to by the parties, Defendant and his officers, agents, employees, and all other persons in active concert or participation with him, comply with this Order as follows:

1. **It is ordered** that Defendant shall not discharge or allow the discharge of any sewage or human excrement in a manner that could contaminate the soil, sub-surface drinking water, or create the potential for disease transmission

at his property located at 2985 Private Road 3008, Mentone, Texas 79752, parcels 108451 and 108463.

2. **It is further ordered** that Defendant shall refrain from allowing any person to move on to, reside, or otherwise establish habitation or domicile on the property located at 2985 Private Road 3008, Mentone, Texas 79752, parcels 108451 and 108463.
3. **Finally, it is ordered** that the Clerk shall issue notice to Defendant at 1304 South Grant Avenue, Crawfordsville, Indiana 47933 and 2985 Private Road 3008, Mentone, Texas 79754, that the hearing on the State's application for a temporary injunction is set for October 31, 2025, at 10:00 (a.m.) p.m. The purpose of the hearing will be to determine whether this temporary restraining order should be extended, or a temporary injunction should be issued pending a full trial on the merits.
4. The State of Texas is exempt from paying a filing fee, bond, or other security costs.

This order expires on November 2, 2025.

SIGNED on October 15, 2025, at 9:46 (a.m.) p.m.

Alan Hinkel

PRESIDING JUDGE



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Lauren McGee on behalf of Lauren McGee

Bar No. 24128835

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Status as of 10/14/2025 9:05 AM CST

Case Contacts

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Associated Case Party: STATE OF TEXAS

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