

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

**JUN 15 2010**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

ERIC H. HOLDER, JR.,  
ATTORNEY GENERAL OF THE  
UNITED STATES OF AMERICA,

CIVIL ACTION

Plaintiff,

**SA10CA0494 XR**

v.

JUAN ANTONIO GAONA,

No.

Defendant.

**COMPLAINT**

Eric H. Holder, Jr., Attorney General of the United States of America

(the "United States Attorney General"), by the undersigned attorneys, asserts a civil cause of action under the Freedom of Access to Clinic Entrances Act ("FACE"), 18 U.S.C. § 248 (1994), as follows:

1. In bringing this action, the United States Attorney General has reasonable cause to believe that Defendant, Juan Antonio Gaona, has committed a violation of FACE, that Defendant's conduct has intimidated various persons, and that Defendant's conduct has interfered with various persons' access to a reproductive healthcare facility.

**JURISDICTION, STANDING, AND VENUE**

2. This Court has jurisdiction over this action pursuant to FACE, 18 U.S.C. § 248(c)(2), and 28 U.S.C. § 1345.

3. The United States Attorney General has standing to bring this action pursuant to FACE, 18 U.S.C. § 248(c)(2).

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4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), in that Defendant resides in this judicial district, and all the events giving rise to this complaint occurred in this judicial district.

**DEFENDANT**

5. Defendant, Juan Antonio Gaona, is a regular and vocal anti-abortion protester at the Babcock Road Planned Parenthood Clinic ("Clinic"), located at 104 Babcock Road in San Antonio, Texas.

6. On information and belief, Defendant resides at 6806 Farrow Road in San Antonio, Texas, 78240.

**FACTUAL BACKGROUND**

7. For several years, Defendant has engaged in anti-abortion protest activity outside the Babcock Road Planned Parenthood Clinic.

8. The Babcock Road Planned Parenthood Clinic offers reproductive health services.

9. Defendant has always been the most vocal protester at the Babcock Road Planned Parenthood Clinic, and has used profane language in his protests and direct personal criticisms at Clinic employees.

10. Defendant has typically conducted his protest activity from the public sidewalk that abuts the Clinic's private parking lot.

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11. On April 17, 2009, Mr. Gaona entered the Clinic parking lot, stepped into the Clinic's front door vestibule area, and attempted to enter the door to the patient waiting room.

12. Defendant was unable to enter the locked door, and instead spread his body across the door in order to block the entrance to the patient waiting room.

13. While Defendant blocked the door, he yelled at the clinic receptionist present in the vestibule to "repent," and referred to the clinic staff as "baby killers."

14. As Defendant was blocking the door, a patient was escorted by Clinic volunteers from the parking lot into the vestibule area.

15. When the patient entered the vestibule area, Defendant yelled, "You can't do this" and "You can't go in there."

16. The patient could not enter the waiting area because Defendant continued to use his entire body to block the door to the waiting area.

17. Staff then escorted the patient through a separate, administrative entrance that is not used for patient access to the Clinic.

18. Defendant would not leave the Clinic's property despite repeated requests, and had to be physically removed from the Clinic by two Clinic staff members.

**CAUSE OF ACTION UNDER 18 U.S.C. § 248**

19. The United States incorporates herein the averments of paragraphs 1 through 18 hereof.

20. Defendant's conduct as described in paragraphs 10 through 18 hereof constitutes a physical obstruction which interfered with a person who had been seeking reproductive health services.

21. Defendant's conduct as described in paragraphs 10 through 18 hereof constitutes a physical obstruction which interfered with persons who had been providing reproductive health services.

22. Defendant's conduct as described in paragraphs 10 through 18 hereof constitutes a physical obstruction which intimidated a person who had been seeking reproductive health services.

23. Defendant's conduct as described in paragraphs 10 through 18 hereof constitutes a physical obstruction which intimidated persons who had been providing reproductive health services.

24. On information and belief, unless Defendant is restrained by this Court, Defendant will continue to engage in the illegal conduct averred herein.

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**PRAYER FOR RELIEF**

25. The United States Attorney General is authorized under 18 U.S.C. § 248(c)(2)(B) to seek and obtain temporary, preliminary, and/or permanent injunctive relief from this Court for Defendant's violation of FACE.

26. The United States Attorney General is further authorized under 18 U.S.C. § 248(c)(2)(B)(i) to assess a civil penalty against a respondent no greater than \$10,000.00 for a nonviolent physical obstruction.

WHEREFORE, the United States Attorney General respectfully requests judgment in his favor and against Defendant, Juan Antonio Gaona, in the form of:

- A. An Order prohibiting Defendant, Juan Antonio Gaona, from coming within 25 feet of the Babcock Road Planned Parenthood Clinic's property;
- B. An Order prohibiting Defendant, Juan Antonio Gaona, and his representatives, agents, employees and any others acting in concert or participation with him, from violating the Freedom of Access to Clinic Entrances Act; and
- C. A civil penalty assessment in the amount of \$10,000.00.

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Respectfully submitted,

JOHN E. MURPHY  
United States Attorney  
Western District of Texas  
601 N.W. Loop 410  
Suite 600  
San Antonio, TX 78216  
(210) 384-7300  
(210) 384-7312 (fax)  
TX Bar Number 14701500

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

JUDY C. PRESTON  
Acting Chief  
Special Litigation Section



JOE RODRIGUEZ  
Assistant United States Attorney  
Western District of Texas  
601 N.W. Loop 410  
Suite 600  
San Antonio, TX 78216  
(210) 384-7300  
(210) 384-7312 (fax)  
joe.rodriguez@usdoj.gov  
~~TX~~ Bar Number 0072958

OH



JULIE ABBATE  
Acting Deputy Chief

WILLIAM E. NOLAN  
Senior Trial Attorney  
Special Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530  
(202) 353-4637  
(202) 514-6273 (fax)  
julie.abbate@usdoj.gov