

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

UNITED STATES OF AMERICA,

v.

**MARIO ALBERTO AVILA
LIZARRAGA AND RAMON
ALEXANDRO ROVIROSA
MARTINEZ,**

Defendants.

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**Criminal No. 4:25-cr-00415
UNDER SEAL**

**GOVERNMENT’S OPPOSITION TO ROVIROSA’S
MOTION TO STRIKE UNDER RULE 57(b)**

The United States, by and through its undersigned counsel, hereby responds in opposition to Defendant Ramon Alexandro Roviroso Martinez’s (“Roviroso”) Motion to Strike Under Rule 57(b) (“Motion to Strike”). Dkt. No. 29.

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INTRODUCTION

In his Motion to Strike, Rovirosa objects to allegations of his past violence and cartel connections that the Government referenced in its Motion to Impose Certain Conditions of Release (“Motion for Release Conditions,” Dkt. No. 11) and the Department of Justice (“DOJ”) press release announcing the Indictment (Dkt. No. 1). Rovirosa asks this Court to: (a) strike the Motion for Release Conditions; (b) order DOJ to retract and clarify the press release; and (c) “order disclosure of internal government communications and deliberations connected to this effort.” Dkt. No. 29 at 1.

Rovirosa’s arguments fail—his expansive requests are both legally unfounded and premised on misstated facts.

First, the Motion for Release Conditions should not be stricken. The allegations at issue in the motion are serious and supported by factual evidence from the Government’s investigation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Government was entitled to raise these serious concerns in its timely, properly filed Motion for Release Conditions.

Second, the statement in question in the DOJ press release regarding Rovirosa’s potential cartel connections and [REDACTED] was an accurate restatement of the factual allegations contained within court papers. Moreover, he is not entitled to a retraction or clarification because the Government removed the sentence within one day, after Rovirosa’s then-counsel raised safety concerns.

Third, Rovirosa’s speculation regarding the Government’s motives and enforcement priorities for the Foreign Corrupt Practices Act (“FCPA”) are entirely irrelevant and non-actionable under any legal authority. Rovirosa’s opinion that the Government should not be able to charge “run-of-the-mill” oil and gas bribery cases is nothing more than an attempt to evade responsibility for his role in corruptly bribing foreign officials.

Fourth, Rovirosa’s musings on FCPA enforcement priorities do not entitle him to discovery concerning the Government’s privileged communications and work product. Rovirosa’s request for a trove of internal Government documents pertaining to privileged DOJ deliberations is unsupported by any legal precedent and completely at odds with Federal Rule of Criminal Procedure 16(a)(2).

FACTUAL BACKGROUND

A. The Indictment Carefully Details the Scheme to Bribe PEMEX Officials

The Indictment alleges a scheme to bribe officials at Mexico’s state-owned oil company, Petróleos Mexicanos (“PEMEX”), in exchange for preferential treatment of companies associated with Rovirosa. The evidence supporting these allegations is strong. Among other things, the Indictment references WhatsApp messages in which Avila and Rovirosa offer and/or pay bribes in the form of a \$12,500 Hublot watch, cash deliveries, and other personal gifts, including a Louis Vuitton handbag. See, e.g., Dkt. No. 1 at ¶¶ 63.i-j, 63.1. The conspirators themselves leave no doubt as to why these payments were being made. For example, in one WhatsApp exchange, one of the Mexican government officials who received bribes stated that he would help resolve an audit for one of Rovirosa’s companies and that he would receive “[a] Hublot as a commission, haha.” Id. ¶ 20. This official indeed helped resolve an audit into one of Rovirosa’s companies. That same official—who benefited from additional cash payments—later stated the following after meddling

to help a Rovirosa company win a bid: “And in addition to the decision, we’ll continue with the support during the execution, with not auditing it, with agreements, and everything else that can be done!” Id. ¶ 51.

The Indictment asserts that Rovirosa controlled the companies involved in the scheme. Moreover, messages from Rovirosa’s phone highlight that he oversaw and approved the illicit payments. For example, multiple paragraphs in the Indictment describe how Rovirosa instructed a co-conspirator to go to a bank and withdraw MXP \$500,000 at a time in serial, structured withdrawals in order to deliver a bribe payment of MXP \$2.5 million. Id. ¶ 63.j.

B. Rovirosa’s Initial Appearance and Arraignment

Rovirosa was arrested on Sunday, August 10, 2025. That same day, the Government conferred telephonically with Rovirosa’s counsel regarding his expected arraignment the following day, as well as the parties’ respective positions on bond conditions. (At that time, the parties agreed on the need for a secured bond but disagreed as to the need for GPS monitoring.) The Government informed Rovirosa’s counsel that it intended to file a written motion requesting release conditions, to which Rovirosa’s counsel expressed no concerns or objections.

Because the docket in this case remained sealed, the Government submitted the Motion for Release Conditions by emailing the pleading (copying Rovirosa’s counsel) to the case manager for Magistrate Judge Peter Bray. The Court later confirmed via email that the motion had been placed on the docket. See Exhibits 1, 3 (Aug. 11, 2025, email correspondence regarding motion)¹. The Court never raised any questions or concerns regarding the Motion for Release Conditions or its entry on the docket. Moments after submitting the Motion for Release Conditions, the

¹ For all cited emails, the Government is attaching only the correspondence between the parties, not any transmitted attachments. However, if the Court or Rovirosa would like to review any of those documents, the Government is certainly willing to provide them.

Government emailed Rovirosa's counsel regarding certain conditions of release for Rovirosa, and the Government again attached the Motion for Release Conditions. See Exhibit 2.

In the Motion for Release Conditions, although the Government did not request detention, the Government requested seven specific conditions of release, pursuant to 18 U.S.C. § 3142(c), and included a brief discussion of how the factors set forth in 18 U.S.C. § 3142(g) counseled in favor of the Government's proposed conditions. This included the following statement:

Finally, while the offenses with which he has been charged are non-violent in nature, there is evidence that Rovirosa has ties to Mexican cartel members and that he was previously involved in violent conduct in Mexico. Multiple sources and media accounts have also alleged another individual with a close business relationship to Rovirosa is associated with Mexican cartels. Given these alleged links to Mexican cartels, Rovirosa presents a uniquely heightened risk of flight.

Dkt. No. 12 at 2.

Rovirosa appeared with his counsel at the 10 a.m. initial appearance on August 11, 2025. The Honorable Magistrate Judge Peter Bray entered an Order of Temporary Detention Pending Hearing and set Rovirosa's arraignment for 2 p.m. that same day.²

At his arraignment that afternoon, Rovirosa again appeared with his counsel and entered a plea of not guilty. See Exhibit 4 at 4-5. The parties orally presented their arguments regarding bond conditions, and Rovirosa's counsel successfully persuaded Magistrate Judge Bray that GPS monitoring was not required. Dkt. No. 20 at 4; see also Dkt. No. 11 at 2 (Government's request for GPS monitoring as a condition for release). Magistrate Judge Bray set Rovirosa's bond at \$1,000,000 with a \$50,000 deposit. See Exhibit 4 at 5.

² Rovirosa's Motion to Strike incorrectly states that, following his initial appearance before Magistrate Judge Bray at 10am Central Time on August 11, 2025, Rovirosa "was **remanded to custody** with a detention hearing set for the next day at 2:00 PM, with Rovirosa in temporary custody with an Order of Detention Pending Hearing." Dkt. No. 29 at 9 (emphasis in original). As reflected on the docket, Rovirosa's arraignment before Magistrate Judge Bray took place on August 11, 2025, the same day as Rovirosa's initial appearance. See Exhibit 4 at 5.

At no point before or during the August 11, 2025 arraignment did Rovirosa or his counsel refer to or challenge the cartel-related statements in the Motion for Release Conditions, request that the Government provide an evidentiary basis for those statements, or ask Magistrate Judge Bray to strike or place under seal the Motion for Release Conditions or any portion therein. Nor did Magistrate Judge Bray raise any concerns with either the substance of the Motion for Release Conditions or the procedures the Government followed in filing the Motion.

C. DOJ Press Release

Later that afternoon, DOJ's Office of Public Affairs issued a press release about the Indictment and the allegations against Rovirosa and Avila. The press release contained the following reference to Rovirosa's alleged ties to Mexican cartel members: "In addition, according to court documents, Rovirosa is alleged to have ties to Mexican cartel members." Dkt. No. 29-3.

Several hours later, Rovirosa's counsel contacted the Government telephonically and expressed concern regarding the cartel reference in the press release. Rovirosa's counsel acknowledged that he had seen the statements about Rovirosa's alleged ties to cartel members in the Motion for Release Conditions prior to Rovirosa's arraignment but had elected not to raise the issue before Magistrate Judge Bray. Rovirosa's counsel informed the Government that Rovirosa was receiving questions from others in the community that raised safety concerns, and Rovirosa's counsel requested that DOJ remove the sentence from its press release.

Out of an abundance of caution and in recognition of Rovirosa's expressed safety concerns, the sentence was deleted from the press release the next day. See Dkt. 29-4; <https://www.justice.gov/opa/pr/two-mexican-nationals-charged-bribing-state-owned-energy-officials>.

D. Discovery, Including Production and Identification of Cartel-Related Materials

On August 12, 2025, the Government filed an Unopposed Motion for a Protective Order Regarding Discovery Materials. Dkt. No. 17. The parties agreed that the Government would begin producing documents to Rovirosa's counsel under certain conditions while awaiting the formal entry of the Protective Order. Later that afternoon, the Government sent Rovirosa's counsel, via email, a letter and index describing its initial discovery production. See Exhibit 5. The Government also emailed Rovirosa's counsel a letter providing an overview of the materials in the discovery production. See Exhibit 6.

On August 13, 2025, Rovirosa's counsel contacted the Government via email and requested that the Government direct him to the documents discussing Rovirosa's alleged connections to cartels. See Exhibit 7. The Government immediately agreed to do so and sent Rovirosa's counsel an email with the Bates numbers of the related documents later that day. The Government also provided the documents to Rovirosa's counsel via a secure file-share site. Id.

The documents to which the Government directed Rovirosa's counsel's attention contained clear evidence of Rovirosa's alleged connections to cartels and alleged past violent conduct. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On August 14, 2025, Rovirosa's counsel confirmed, via email, receipt of the cartel-related documents. See Exhibit 12.

Between August 13, 2025, and August 25, 2025, Rovirosa's counsel and the Government met and conferred multiple times regarding Rovirosa's case, and at no point did Rovirosa's counsel raise any issues or questions in connection with the Motion for Release Conditions or the cartel-related materials to which attorneys for the Government had directed his attention.

E. Substitution of Counsel for Rovirosa

On August 25, 2025, Rovirosa filed a Motion to Substitute Counsel, seeking to allow George D. Murphy, Jr., to withdraw as counsel and to permit Ryan D. McConnell of the law firm R. McConnell Group to be substituted as counsel of record. Dkt. No. 24. This Court granted that motion on September 2, 2025. Dkt. No. 31.

Since Rovirosa filed the Motion to Substitute Counsel, the parties have exchanged emails concerning discovery productions, including reproduction of all materials initially produced to Rovirosa's prior counsel, and the Government has requested numerous times to meet and confer telephonically with Rovirosa's newly designated counsel. As Rovirosa's new counsel has noted in the Motion to Compel, counsel has refused the Government's repeated requests for meet-and-confer calls. See Dkt. No. 32, p. 6 ("Every email from the government begins with a request that we have a telephone call.").

On September 2, 2025, without meeting and conferring with the Government, Rovirosa filed the present Motion to Strike (Dkt. No. 29) as well as a Motion for a Bill of Particulars (Dkt. No. 30).

ARGUMENT

I. The Motion for Release Conditions Is Proper and Should Not be Stricken.

Rovirosa insists that the Motion for Release Conditions should be stricken because it is both substantively and procedurally deficient. His arguments are meritless and should be rejected.

A. Legal Standard

Rovirosa filed his Motion to Strike pursuant to Rule 57(b) of the Federal Rules of Criminal Procedure. That rule, which effectively operates as a catch-all, states:

(b) Procedure When There Is No Controlling Law. A judge may regulate practice in any manner consistent with federal law, these rules, and the local rules of the district. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local district rules unless the alleged violator was furnished with actual notice of the requirement before the noncompliance.

Rovirosa has not cited any authority governing the application of Rule 57(b) in similar situations and provides no support for the variety of requests that he makes in the Motion to Strike.

B. The Statements in the Motion for Release Conditions Were Accurate and Were Appropriately Brought to the Court’s Attention.

Rovirosa contends that the Government “invented” his alleged connections to cartels and violent conduct, and otherwise improperly referenced these matters in the Motion for Release Conditions. Dkt. No. 29 at 4. Rovirosa is wrong. As noted above, the allegations implicating Rovirosa’s violent conduct and connections to cartels were serious and supported by evidence from the Government’s investigation. [REDACTED]

[REDACTED] The allegations stem from multiple sources— [REDACTED]

[REDACTED]

These allegations are serious enough to merit the Court’s attention as it assessed conditions of release that would “reasonably assure the appearance” of Rovirosa, consistent with 18 U.S.C. § 3142. Indeed, per 18 U.S.C. § 3142(g), “[t]he judicial officer shall ... take into account the available information concerning,” among other items, “the history and characteristics of the person,” which includes “the person’s character,” “community ties,” and “past conduct.” (emphasis added). Thus, in briefly summarizing these very relevant allegations in its Motion for Release Conditions, the Government was presenting “available information” concerning Rovirosa’s history and characteristics to substantiate its request for specific conditions of release under 18 U.S.C. § 3142(c).

Rovirosa attacks the Government’s approach, characterizing the allegations of violence and cartel connections as “Nothing substantiated. Nothing admissible. And nothing that met even the lowest investigative standards.” Dkt. No. 29 at 5. As an initial matter, the Government’s evidence came from multiple sources, [REDACTED]

These sources also cover a large timeframe, ranging from 2019 to as recently as 2024.

In any event, 18 U.S.C. § 3142 allows judicial officers to consider all sorts of evidence, including evidence inadmissible at a substantive trial, when evaluating detention or other conditions of release. See 18 U.S.C. § 3142(f) (at a detention hearing, “[t]he rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing”); see also United States v. Fortna, 769 F.2d 243, 250 (5th Cir. 1985) (“Hence, merely because the information adduced at the hearing may be hearsay of the kind that would be inadmissible at a trial, does not necessarily mean that such information cannot form the basis for a pretrial detention determination.”).

Thus, the Government appropriately—and accurately—brought allegations relating to Rovirosa’s history and characteristics to the Court’s attention through the Motion for Release Conditions.

C. The Motion for Release Conditions Was Filed Appropriately.

Rovirosa next raises a series of purported procedural deficiencies with the Motion for Release Conditions, including that (a) it was an improper motion under 18 U.S.C. § 3142 and Local Rules, and (b) Rovirosa did not have a chance to challenge the motion. Rovirosa misstates the law and facts.

1. The Motion for Release Conditions Was Procedurally Proper Under 18 U.S.C. § 3142 and Local Rules.

First, Rovirosa asserts that the Motion for Release Conditions was a “non-motion motion” and that it “asked for no relief, nor did it have the other indicia of an actual motion.” Dkt. No. 29 at 8, 10. The plain text of the Motion for Release Conditions undermines this claim. In the motion,

the Government requested seven specific conditions of release, pursuant to 18 U.S.C. § 3142(c). Dkt. No. 11 at 1-2. The Government then provided its reasons for the requested conditions, citing 18 U.S.C. § 3142(g). *Id.* at 2-3. The Government also orally previewed the motion with Rovirosa’s counsel the night before filing. And the Government submitted the motion to the Court, copying Rovirosa’s counsel, in advance of Rovirosa’s arraignment. Exhibit 1. In fact, moments after submitting the motion (and still before Rovirosa’s arraignment), the Government sent the motion again to Rovirosa’s counsel, and the parties shared their respective positions on the proposed conditions of release, including the Government’s agreement to a proposed modification by Rovirosa. Exhibit 2.⁵ Critically, neither Magistrate Judge Bray nor Rovirosa (at the time) raised any procedural deficiencies with the Motion for Release Conditions.

Second, Rovirosa argues that the Bail Reform Act (“BRA”) “does not contemplate” the Motion for Release Conditions, and that the BRA “only has two permitted motions set forth in 18 U.S.C. § 3142(f)—a motion for detention and a motion for a continuance of a detention hearing.” Dkt. No. 29 at 7-8. Rovirosa misstates the law.

Under 18 U.S.C. § 3142(f), the Government (or the judicial officer) may move for detention, which would trigger a hearing. However, nothing in 18 U.S.C. § 3142 (or otherwise in the BRA) prohibits parties from filing motions requesting conditions of release short of detention. In fact, the Government has filed similar non-detention motions for release conditions in several other cases. See, e.g., United States v. Avery, No. 4:21-cr-00303-MTS, Dkt. No. 5 (E.D.

⁵ Rovirosa complains that the Government did not include a certificate of conference, a certificate of service, or a proposed order. Dkt. No. 29 at 7. To be clear, the Government did substantively confer with Rovirosa’s counsel regarding the relief sought in the motion. (The same cannot be said of the Motion to Strike or the Motion for Bill of Particulars that are currently before the Court.) In addition, Rovirosa’s counsel was copied on the email to the Court attaching the motion—which was to be considered that same day.

Mo., May 12, 2021) (Exhibit 13); United States v. Brown, No. 3:19-cr-00068-WHR, Dkt. No. 17 (S.D. Ohio, Apr. 17, 2019) (Exhibit 14); United States v. Cantu-Madril, No. 4:18-cr-01309-RM-LAB, Dkt. No. 9 (D. Ariz., July 12, 2018) (Exhibit 15).

Of course, other than his misreading of the BRA, Rovirosa does not identify any authority that supports his position that the BRA exclusively allows motions seeking detention. Moreover, the idea that the BRA would categorically forbid a timely, properly served motion that seeks relief grounded in the BRA's provisions is nonsensical.

Third, Rovirosa argues that the Motion for Release Conditions violated local rules "regarding sensitive information." Dkt. No. 29 at 9-10. But again, Rovirosa cannot point to any applicable authority, let alone any use of the term "sensitive information" in the local rules. His only citation is to Local Rule 32.4, which deals with filing pre-sentence reports under seal and says nothing of motions under 18 U.S.C. § 3142. Dkt. No. 29 at 9-10. Indeed, the Motion for Release Conditions intentionally did not include details beyond the minimum necessary for the Court to evaluate the conditions of release. The Government's description was limited to general statements concerning the nature of the evidence uncovered during the Government's investigation. Dkt. No. 11 at 2.

Rovirosa goes further to provide his thoughts on how the Government "could have" raised the concerning allegations against him and "[w]hat should have happened," including by presenting the information to Pre-Trial Services in the first instance. Dkt. No. 29 at 10. But, again, beyond asserting what is "typically" done under local practice (*id.* at 8-9), Rovirosa cannot identify any specific violation by the Government. The mere fact that Rovirosa did not like the way the Government presented its arguments does not make the filing "improper."

In summary, the Government raised serious allegations directly relevant to the issue of appropriate bond conditions to the Court, and it did so in a procedurally sound manner. Moreover, Rovirosa does not—and cannot—point to any requirement or prohibition that the Government violated. As such, he cannot reconcile his requested relief with the language of Rule 57(b): “No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local district rules unless the alleged violator was furnished with actual notice of the requirement before the noncompliance.” (emphasis added).

2. Rovirosa Was Able to Challenge the Motion for Release Conditions.

Rovirosa asserts that the Government maneuvered its Motion for Release Conditions to make the allegations contained therein “unchallengeable” at a hearing and “beyond the attack by Mr. Rovirosa’s counsel.” Dkt. No. 29 at 10-11.

Rovirosa’s claim is demonstrably false. The Government filed the Motion for Release Conditions before Rovirosa’s arraignment. Because Rovirosa’s arraignment was postponed until 2 p.m. on August 11, 2025, Rovirosa’s counsel had over four hours to review the Government’s three-page motion. And Rovirosa’s counsel did so, arguing (successfully) against some of the conditions of release requested by the Government.⁶ Moreover, Rovirosa’s counsel informed the Government that he saw the reference to Rovirosa’s alleged violent conduct and cartel connections in the Motion for Release Conditions but chose not to address these matters before Magistrate Judge Bray. That is, it is not the case that the Government deprived Rovirosa of the opportunity to challenge the Government’s evidence; rather, the Government afforded Rovirosa the

⁶ As noted above, the Government requested that, among other things, Rovirosa “[s]ubmit to continuous electronic monitoring through the affixation of a global position system (‘GPS’) tracker to Rovirosa’s ankle or wrist.” Dkt. No. 11 at 2. Rovirosa’s counsel argued against this request, and Magistrate Judge Bray agreed with Rovirosa. Dkt. No. 20.

opportunity to do so, and Rovirosa's prior counsel reasonably decided to argue against the conditions of release without addressing all of the evidence the Government presented. Rovirosa cannot now convert his strategic decision into a due-process violation.

D. The Motion for Release Conditions Did Not Violate the Protective Order.

Rovirosa asserts that the allegations summarized in the Motion for Release Conditions violated the Protective Order in this case. Dkt. No. 29 at 10. Yet again, Rovirosa fails to identify a specific violation. It bears repeating that the Government's description in the Motion for Release Conditions was limited, factual, and anchored to a request for relief. It did not include any attribution or extraneous details beyond those necessary to explain the basis for the requested relief.

More importantly, the Protective Order focuses solely on the Defendant's use of discovery materials it receives from the Government, stating simply that such materials may be "utilized solely in connection with the defense of this case and for no other purpose." Dkt. No. 23 at ¶ 4. The Protective Order, however, does not place any limits on the Government's use of documents and information it obtained in its investigation, nor does it in any way restrict or constrain either party's ability to advance their cases in this Court.⁷

II. Rovirosa's Specious Attacks on the Government's Purported Intentions Do Not Entitle Him to Relief.

Rovirosa challenges the Government's presumed motives in filing the Motion for Release Conditions and issuing the press release, including that the Government was trying "to sneak the case by politically-appointed DOJ lawyers who have flatly said they are not going to prosecute

⁷ Finally, Rovirosa's request to strike is moot. The Motion for Release Conditions pertained solely to the initial appearance and arraignment that took place on the same day that it was filed. Now that the Court has already set those conditions, the motion itself is no longer pending before the Court, and there is nothing to "strike."

run-of-the mill bribery cases following directives from the President” and going as far as suggesting that “the DOJ prosecutors have deliberately violated orders of the Attorney General and the U.S. President.” Dkt. No. 29 at 13.

Rovirosa’s insinuations are baseless, and the relief he seeks is unwarranted.

A. Rovirosa’s Allegations Regarding the Government’s Intentions Are Unfounded and Irrelevant.

Rovirosa spends many pages discussing how the Indictment is somehow inconsistent with DOJ guidance and an Executive Order that, in his view, should have prevented the Government from charging him. *Id.* at 1–7 & 12–15. Rovirosa is simply wrong in suggesting that the Guidelines required prosecutors to identify a cartel connection in order to pursue this or any case. Instead, the Guidelines instruct prosecutors to consider several non-exhaustive areas of priority—of which the fight against cartels and transnational criminal organizations is one—when pursuing an FCPA enforcement action. In any event, internal executive branch guidance documents concerning enforcement priorities and the dedication of investigative resources do not give a defendant any right to relief. *See, e.g.*, “Pausing Foreign Corrupt Practices Act Enforcement to Further American Economic and National Security,” Exec. Order No. 14,209 (Feb. 10, 2025), Fed. Reg. Vol. 90, No. 30, Section 4(c) (“This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States . . .”) ⁸; *see also* Guidelines for Investigations and Enforcement of the Foreign Corrupt Practices Act, June 9, 2025⁹ (“This guidance is not intended to, does not, and may not be relied

⁸ Available at <https://www.federalregister.gov/documents/2025/02/14/2025-02736/pausing-foreign-corrupt-practices-act-enforcement-to-further-american-economic-and-national-security>.

⁹ Available at <https://www.justice.gov/dag/media/1403031/dl?inline>.

upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States . . .”).

Rovirosa’s musings regarding the DOJ’s FCPA enforcement priorities—and the relationship between the Indictment and DOJ guidance on FCPA enforcement—are irrelevant to this case. The fact remains that the Grand Jury returned a four-count Indictment against Rovirosa, which sets forth significant violations of federal law in substantial detail. Rovirosa merely disagrees with the exercise of prosecutorial discretion, which amounts to a red herring to distract from the strong evidence against him. Indeed, the crux of Rovirosa’s argument seems to be that he is entitled to violate federal law with impunity. He is not.

B. Referencing Rovirosa’s Alleged Connections to Cartels in its Press Release Was Appropriate.

The Government is entitled to issue press releases that fairly and accurately describe matters of public interest. This can include highlighting aspects of cases that carry public-policy implications or are otherwise in line with the DOJ’s broader enforcement priorities.

In fact, in other press releases, the DOJ has highlighted defendants’ affiliations, including where those connections were unrelated to the charged conduct. See, e.g., “Twelve Lakeland-Based Gang Members Charged With Paycheck Protection Program Fraud,” Sept. 5, 2025¹⁰ (in a case alleging wire fraud under the Paycheck Protection Program, highlighting that the defendants “are members or associates of the Lakeland-based Hood Boys gang”); “Texas Man Sentenced to 11 Years in Prison and Ordered to Pay \$2M Fine for Conspiring to Monopolize International Transit Industry, Fix Prices, Extort \$9.5M, and Launder Money,” June 11, 2025¹¹ (in a case

¹⁰ <https://www.justice.gov/usao-mdfl/pr/twelve-lakeland-based-gang-members-charged-paycheck-protection-program-fraud>

¹¹ <https://www.justice.gov/opa/pr/texas-man-sentenced-11-years-prison-and-ordered-pay-2m-fine-conspiring-monopolize>

relating to price-fixing, extortion, and money-laundering, highlighting that the defendant “is the son-in-law of the former leader of the Gulf Cartel in Mexico”); “Guatemalan Man Unlawfully Residing in the United States and Convicted of Sexual Battery Indicted for Fraudulently Obtaining Custody of an Unaccompanied Alien Child in the United States,” Apr. 18, 2025¹² (in a case charging false statements, aggravated identity theft, and other conduct, highlighting that the defendant had previously been convicted of sexual battery); “Alleged Mafia Soldier Charged With Tax Evasion,” Oct. 12, 2017¹³ (in a case relating to tax crimes, highlighting that the defendant was “an alleged member of the Genovese organized crime family of La Cosa Nostra”).

Here, the Government did not make false allegations, nor did it misrepresent the record. Therefore, even though Rovirosa may take issue with the allegations and the subsequent media coverage, Rovirosa’s disagreements are not actionable.¹⁴

III. There Is No Need for a Retraction or Clarification of the Press Release.

Rovirosa insists that the Government must issue a “retraction and clarification” of the press release. Rovirosa’s request is unwarranted.

As an initial matter, as noted above, after Rovirosa’s counsel contacted the Government and expressed safety concerns related to the press release, the relevant sentence was promptly removed. For this reason alone, Rovirosa’s request is moot.

¹² <https://www.justice.gov/opa/pr/guatemalan-man-unlawfully-residing-united-states-and-convicted-sexual-battery-indicted>

¹³ <https://www.justice.gov/usao-edny/pr/alleged-mafia-soldier-charged-tax-evasion>

¹⁴ Rovirosa similarly argues that the press release infringes on his Sixth Amendment “right to an impartial jury” by “unconstitutionally stack[ing] the deck against him.” Dkt. No. 29 at 13-14. Again, Rovirosa does not cite any authority for this proposition. Moreover, it is unclear how the future trial jury would be influenced by a single statement in a press release, when the Government has not represented that it intends to introduce those allegations in its case-in-chief.

Additionally, the single sentence in the press release is accurate. The Government expressly (and correctly) noted that Rovirosa's ties to cartel members were allegations. Moreover, these allegations came from multiple sources, [REDACTED] and ranged from 2019 to 2024 (notably all predating the recent issuance of the Executive Order and DOJ guidance on FCPA enforcement). See Exhibits 8-11, 11T. Thus, there is nothing to correct, retract, or clarify. Again, Rovirosa points to no authority for the proposition that the Government must issue a retraction and clarification for an accurate sentence, let alone a sentence that was removed within one day of issuance.

IV. Rovirosa Is Not Entitled to Internal Government Communications.

Rovirosa argues that striking the Motion for Release Conditions is not enough and that the Court must conduct “an inquiry into the prosecutor’s intent to disseminate false information about Mr. Rovirosa.” Dkt. No. 29 at 15. Specifically, Rovirosa asks this Court to order the Government “to produce any and all internal communications and deliberations involving any government personnel regarding the press release, the filing of the Motion to Impose Certain Conditions of Release, and any other communication or deliberations related to the media or compliance with internal DOJ policies vis-à-vis Mr. Rovirosa’s case and cartels, TCOs, or similar criteria.” Id.

Rovirosa’s request for internal DOJ communications should be denied.

A. Legal Standard

Rovirosa’s request for privileged internal DOJ communications¹⁵ is governed by Federal Rule of Criminal Procedure 16(a)(2):

(2) Information Not Subject to Disclosure. Except as permitted by Rule 16(a)(1)(A)-(D), (F), and (G), this rule does not authorize the discovery or

¹⁵ Of course, substantive communications from testifying agents would be produced pursuant to the Jencks Act, and the Government regularly reviews its records to ensure that it identifies and produces Brady or Giglio materials.

inspection of reports, memoranda, or other internal government documents made by an attorney for the government or other government agent in connection with investigating or prosecuting the case.

Courts in this Circuit have regularly rejected attempts by defendants to obtain work product or other privileged information from the government that bear on its deliberative processes. For example, in United States v. Rodgers, No. 4:20-CR-358, 2022 WL 1074013 (E.D. Tex. Apr. 8, 2022), the court quashed a subpoena from the defendant that sought testimony from government employees relating to “the analysis of the evidence, interviews with witnesses related to the investigation, and their belief that [defendant’s] version of events is the truth.” Id. at *1. The court held that Rule 16(a)(2) “recognizes the work product privilege” and that the government’s “general strategic and tactical approach to deciding when and why charges are brought reflects the core of the work product privilege.” Id. at *5; see also United States v. Ferguson, No. 4:20-CR-504, 2022 WL 861507, at *3 (S.D. Tex. Mar. 23, 2022) (Costa, J.) (pursuant to Rule 16(a)(2), denying the “unprecedented relief of requiring the Government to disclose its internal deliberations” regarding the manner in which it would prosecute the defendant).¹⁶

B. Analysis

Rovirosa is not entitled to internal DOJ communications on the broad range of topics he identified: “the press release, the filing of the Motion to Impose Certain Conditions of Release, ... the media or compliance with internal DOJ policies vis-à-vis Mr. Rovirosa’s case and cartels,

¹⁶ See also United States v. Mann, 61 F.3d 326, 331 (5th Cir. 1995) (“As an internal government document produced by government agents in connection with the investigation of this case, the reports at issue clearly fall within the ambit of this rule, and thus are exempted from discovery.”); United States v. Berrigan, 482 F.2d 171, 181 (3d Cir. 1973) (“It is well established that the executive branch is privileged not to disclose intra-governmental documents reflecting advisory opinion, recommendations and deliberations comprising part of a process by which governmental decisions are formulated. The privilege is based upon the public policy of encouraging open, frank discussions between subordinate and chief concerning administrative action, and on the constitutional principle of separation of powers.”) (internal citations omitted).

TCOs, or similar criteria.” Dkt. No. 29 at 15. These materials are plainly not subject to discovery under Rule 16(a)(2): “internal government documents made by an attorney for the government or other government agent in connection with investigating or prosecuting the case” referenced in Rule 16(a)(2). The mere fact that Rovirosa objects to the basis for the Indictment—or the allegations in the Motion for Release Conditions and the press release—does not overcome the Government’s privilege. Moreover, Rovirosa does not cite any authority where a party was given a trove of internal DOJ communications under any circumstances—particularly where the issues he seeks to raise (*i.e.*, whether he should have been charged) are matters of prosecutorial discretion. As with his other requests for relief, Rovirosa’s request for internal DOJ communications should be denied.

CONCLUSION

For the foregoing reasons, the Government respectfully requests that the Court deny Rovirosa’s Motion to Strike Under Rule 57(b).

Dated: September 12, 2025

Respectfully submitted,
Nicholas J. Ganjei
United States Attorney

Lorinda I. Laryea
Acting Chief
Criminal Division, Fraud Section

/s/ Brad Gray
Brad Gray
Assistant United States Attorney
Southern District of Texas

/s/ Abdus Samad Pardesi
Abdus Samad Pardesi
Lindsey D. Carson
Paul Ream
Trial Attorneys
Criminal Division, Fraud Section

CERTIFICATE OF SERVICE

On September 12, 2025, I electronically filed this document through the CM/ECF system and served this filing via email to counsel of record.

Lindsey D. Carson
Lindsey D. Carson

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

UNITED STATES OF AMERICA,

v.

**MARIO ALBERTO AVILA
LIZARRAGA AND RAMON
ALEXANDRO ROVIROSA
MARTINEZ,**

Defendants.

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Criminal No. 4:25-cr-00415

ORDER

Having considered Defendant Ramon Alexandro Roviroso Martinez's Motion to Strike [Dkt. 29] and the Government's response, the Court find that the Motion should be **DENIED**.

Signed in Houston, Texas on the ____ day of _____, 2025.

HON. KENNETH M. HOYT
SENIOR UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF TEXAS