

**ENTERED**

November 30, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DISH NETWORK L.L.C., *et al.*,

§

*Plaintiffs,*

§

VS.

§

NO. 3:21-cv-218

§

ALEJANDRO GALINDO, *et al.*,

§

*Defendants.*

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**ORDER**

Plaintiffs DISH Network L.L.C. and NagraStar LLC have moved for an order authorizing the United States Marshal to levy and sell a residential property located at 311 Scenic View, Friendswood, Texas 77546 (the “Friendswood Property”) and apply the proceeds towards satisfaction of the judgment this court entered against the defendants. Dkt. 45 at 1. The defendants have not responded.

This court entered a default judgment for the plaintiffs in June 2022. Dkt. 19. The judgment found defendants liable for operating an illegal streaming service called Nitro TV, through which the defendants pirated the plaintiffs’ television programming and sold that content to Nitro TV’s subscribers. *Id.* at 1; *see also* Dkt. 1 ¶¶ 25–38. The court awarded plaintiffs DISH and NagraStar \$100,363,000 in statutory damages. Dkt. 19 at 1.

The defendants’ bank accounts—previously holding millions of

dollars—have all been closed or drained. Dkt. 45 at 3; *see also* Dkt. 45-2, Exhibits 1–9. One particular account, a Paymentech account held by judgment–debtor Martha Galindo, received over \$5,000,000 in payments from the defendants’ scheme. Dkts. 45-1 ¶ 9; 45-2, Exhibit 7. On March 16, 2020, Martha used Paymentech-account funds to purchase the Friendswood Property in judgment–debtor Alejandro Galindo’s name for \$925,913.18. Dkt. 45 at 5–6; *see also* Dkt. 45-2, Exhibits 7–9. The plaintiffs argue that the court can order sale of the Friendswood Property to satisfy their judgment because the funds used to purchase the residence were wrongfully acquired. Dkt. 45 at 6.

Texas law governs the plaintiffs’ effort to enforce this judgment by writ of execution. Fed. R. Civ. P. 69(a)(1). A writ of execution orders the seizure of a judgment–debtor’s non-exempt property for sale and application towards a judgment. *Jong Ik Won v. Fernandez*, 324 S.W.3d 833, 834 (Tex. App.—Houston [14th Dist.] 2010, no pet.). This court previously issued a writ of execution in this case and has authority to decide whether to sell the Friendswood Property in satisfaction of its writ. *See Thomas v. Hughes*, 27 F.4th 995, 1018 (5th Cir. 2022) (“[A] district court has ‘jurisdiction in subsequent proceedings for the exercise of [its] inherent power to enforce its judgments.’”) (citation omitted).

The Friendswood Property is subject to the court’s writ of execution unless it qualifies for homestead-exemption protection. TEX. CONST. art. XVI, § 50; Tex. Prop. Code § 41.001. It is well-established that homestead-exemption protection does not attach when a property is purchased with wrongfully acquired funds. *Deluxe Barber Sch., LLC v. Nwakor*, 609 S.W.3d 282, 298 (Tex. App.—Houston [14th Dist.] 2020, pet. denied) (“[W]hen wrongfully acquired funds are used to purchase real property, no homestead rights can attach to that property.”) (collecting cases); *see also Bransom v. Standard Hardware*, 874 S.W.2d 919, 928 (Tex. App.—Fort Worth 1994, writ denied) (“[T]he homestead protection afforded by the Texas Constitution was never intended to protect stolen funds.”) (collecting cases).

Over ninety-nine percent of the funds Martha used to buy the Friendswood Property are directly traceable to the Paymentech account she used to collect payments from Nitro TV customers. Dkt. 45-1 ¶ 9 (citing Dkt. 45-2, Exhibits 7–10). Accordingly, the Friendswood Property does not warrant homestead protection.

The court therefore **GRANTS** DISH and NagraStar’s motion and **ORDERS** the United States Marshal Service to levy and sell the property located at 311 Scenic View, Friendswood, Texas, 77546 and apply the proceeds towards satisfaction of the judgment.

Signed on Galveston Island this 30th day of November, 2022.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE