

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re DISH Network Service L.L.C. and John Carter Young

No. 09-25-00479-CV · No. 09-25-00479-CV · Decided January 15, 2026

SUMMARY

The Ninth Court of Appeals of Texas conditionally granted a petition for writ of mandamus challenging an order reinstating a personal injury case dismissed for want of prosecution. The court held that the timely motion to reinstate was unverified and therefore did not extend the trial court’s plenary power, while the later verified amended motion was filed after that power had expired. The court ordered the trial court to set aside the reinstatement order within thirty days.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Golemon, C.J.; Johnson, J.; Wright, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	January 15, 2026
DOCKET	09-25-00479-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Relators sought a writ of mandamus directing the trial court to set aside an order reinstating a personal-injury case after dismissal for want of prosecution.
STANDARD OF REVIEW	Mandamus requires a showing that the trial court abused its discretion and that the relator lacks an adequate appellate remedy. A void order constitutes an abuse of discretion, and no separate showing of an inadequate appellate remedy is required.
PRECEDENTIAL VALUE	Published opinion
PARTIES	DISH Network Service L.L.C., John Carter Young v. Jessee Thompson

TOPICS

- writ of certiorari
- appellate procedure
- civil procedure
- motions to dismiss
- personal injury

PRACTICE AREAS

- civil procedure
- appellate procedure
- mandamus
- personal injury

QUESTIONS PRESENTED

1. Whether an unverified motion to reinstate a case dismissed for want of prosecution extends the trial court's plenary power under Texas Rule of Civil Procedure 165a(3).
2. Whether a verified amended motion to reinstate filed after the trial court's plenary power expired can extend that power or support a valid reinstatement order.
3. Whether mandamus relief is available to set aside a reinstatement order entered after the trial court's plenary power expired.

HOLDINGS

1. An unverified motion to reinstate does not extend the trial court's plenary power beyond thirty days after the dismissal order is signed.
2. A verified amended motion to reinstate filed after the trial court's plenary power expired does not extend that power or validate a subsequent reinstatement order.
3. Mandamus is available to set aside a void reinstatement order entered after the trial court's plenary power expired.

KEY QUOTATIONS

“A trial court abuses its discretion by entering a void order, and the relator need not establish lack of an adequate appellate remedy to obtain mandamus relief.” (at 2)

“Mandamus is an available remedy to set aside a reinstatement order signed after the trial court’s plenary power expires.” (at 2)

“Accordingly, the trial court’s order of reinstatement was signed and entered after its plenary power had expired, and the order of reinstatement is void.” (at 4)

FACTUAL BACKGROUND

Thompson filed a personal-injury lawsuit against DISH arising from a 2021 car accident. The trial court dismissed the case for want of prosecution on September 24, 2025. Thompson timely filed an unverified motion to reinstate, later filed a verified amended motion after the trial court's plenary power had expired, and obtained an order reinstating the case on November 7, 2025.

PROCEDURAL HISTORY

The trial court dismissed Thompson's personal-injury lawsuit for want of prosecution on September 24, 2025. Thompson filed an unverified motion to reinstate on October 3, 2025, followed by a verified amended motion on November 6, 2025. The trial court granted reinstatement on November 7, 2025. DISH and Young petitioned for mandamus, arguing that the trial court's plenary power had expired before the reinstatement order was entered. The court of appeals conditionally granted mandamus and ordered the trial court to set aside the reinstatement order.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court must set aside its November 7, 2025 Order Granting Plaintiff's Amended Verified Motion to Reinstate. The writ will issue only if the trial court fails to do so within thirty days of the opinion.

CASES CITED

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding)
- In re Mikooz Mart, No. 05-19-01355-CV, 2019 Tex. App. LEXIS 10643, at **2-3 (Tex. App.—Dallas Dec. 9, 2019, orig. proceeding) (mem. op.)
- In re Sw. Bell Tel. Co., 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding)
- In re Dansby, 583 S.W.3d 838, 840 (Tex. App.—Dallas 2019, orig. proceeding)
- In re Southern Mgmt. Servs., No. 05-19-00653-CV, 2019 Tex. App. LEXIS 6197, at *1 (Tex. App.—Dallas July 19, 2019, orig. proceeding) (mem. op.)
- McConnell v. May, 800 S.W.2d 194, 194 (Tex. 1990) (orig. proceeding)
- Walker v. Harrison, 597 S.W.2d 913, 915 (Tex. 1980)
- In re Valliance Bank, 422 S.W.3d 722, 728-29 (Tex. App.—Fort Worth 2012, no pet.)
- In re Statebridge Co., No. 14-25-00146-CV, 2025 Tex. App. LEXIS 6130, at *3 (Tex. App.—Houston [14th Dist.] Aug. 14, 2025, no pet.) (mem. op.)
- Trimble v. Muniz, No. 09-23-00212-CV, 2025 Tex. App. LEXIS 1504, at **1-3 (Tex. App.—Beaumont Mar. 6, 2025, no pet.) (mem. op.)
- Owens v. Brock Agency, Inc., No. 09-22-00336-CV, 2023 Tex. App. LEXIS 3782, at *13 (Tex. App.—Beaumont June 1, 2023, pet. denied) (mem. op.)

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-25-00479-CV _____ IN RE DISH NETWORK SERVICE L.L.C. AND JOHN CARTER _____ YOUNG
_____ On Appeal
from the 457th District Court Montgomery County, Texas Trial Cause No. 23-11-16385

MEMORANDUM OPINION Relators DISH Network Service L.L.C. and John Carter Young (collectively “DISH” or “Relators”) filed a Petition for Writ of Mandamus (“Petition”) complaining about the trial court’s November 7, 2025 Order Granting Plaintiff’s Amended Verified Motion to Reinstate.

Jessee Thompson (“Thompson” or “Real Party in Interest”) filed a response. Relators contend the trial court lacked plenary power to reinstate the case at the time it signed the reinstatement order. According to the record before us, the underlying case pertains to a personal injury lawsuit filed by Thompson against 1 DISH arising from a car accident that occurred in 2021.

The lawsuit was filed by Thompson in October of 2023. On September 24, 2025, the trial court entered an Order of Dismissal in the underlying lawsuit, dismissing the case for want of prosecution. On October 3, 2025, Thompson filed a Motion to Reinstate but the motion was not verified.

On November 5, 2025, DISH filed a response to the motion and argued the unverified motion to reinstate did not extend the trial court’s plenary power which DISH argued had expired thirty days after entry of the dismissal.

On November 6, 2025, Thompson filed an Amended Motion to Reinstate with a verification. On November 7, 2025, the trial court entered an Order Granting Plaintiff’s Amended Verified Motion to Reinstate. Generally, to obtain mandamus relief, a relator must show the trial court abused its discretion and the relator has no adequate appellate remedy.

In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding). “A trial court abuses its discretion by entering a void order, and the relator need not establish lack of an adequate appellate remedy to obtain mandamus relief.” In re Mikooz Mart, No. 05-19-01355-CV, 2019 Tex. App. LEXIS 10643, at **2-3 (Tex. App.—Dallas Dec. 9, 2019, orig. proceeding) (mem. op.) (citing In re Sw.

Bell Tel. Co., 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding)). “Mandamus is an available remedy to set aside a reinstatement order signed after the trial court’s plenary power 2 expires.” Id. at *2 (citing In re Dansby, 583 S.W.3d 838, 840 (Tex. App.—Dallas 2019, orig. proceeding); In re Southern Mgmt. Servs., No. 05-19-00653-CV, 2019 Tex. App. LEXIS 6197, at *1 (Tex.

App.—Dallas July 19, 2019, orig. proceeding) (mem. op.)). A party must file a motion to reinstate within thirty days of the judgment dismissing the case for want of prosecution. See Tex. R. Civ. P. 165a(3). The motion must set forth the grounds to reinstate, and the motion must be verified by the movant or his attorney. See id. When a party fails to verify his motion to reinstate, the trial court’s jurisdiction is not extended, and jurisdiction expires thirty days after the judgment is signed.

See McConnell v. May, 800 S.W.2d 194, 194 (Tex. 1990) (orig. proceeding) (granting mandamus relief to set aside an order reinstating case more than thirty days after dismissal on unverified motion). A reinstatement order entered after the expiration of the time limits provided in Rule 165a is “void because the court is without jurisdiction.” See Walker v. Harrison, 597 S.W.2d 913, 915 (Tex.

1980); see also *In re Valliance Bank*, 422 S.W.3d 722, 729 (Tex. App.—Fort Worth 2012, no pet.) (when a trial court signs an order of reinstatement after its plenary power expired, the order of reinstatement is void and of no legal effect).

In this proceeding, DISH argues the trial court did not have jurisdiction to enter the November 7th Order reinstating the case because the original motion to reinstate was not verified, the trial court's plenary power was not extended, and the 3 order to reinstate was void when the trial court entered it more than thirty days after entry of the order of dismissal for want of prosecution.

We agree. While it is true that Thompson filed an Amended Motion to Reinstate which was verified, the amended motion did not extend the trial court's plenary power. See *In re Statebridge Co.*, No. 14-25-00146-CV, 2025 Tex. App. LEXIS 6130, at *3 (Tex. App.—Houston [14th Dist.] Aug. 14, 2025, no pet.) (mem. op.) (original motion to reinstate was unverified and did not extend plenary power of trial court, and amended motion which was verified was filed after the plenary power expired so the trial court's order reinstating the case was void).

Because the only timely filed motion to reinstate was not verified, it did not extend the trial court's plenary power beyond thirty days. See *McConnell*, 800 S.W.2d at 194; *Trimble v. Muniz*, No. 09-23-00212-CV, 2025 Tex. App. LEXIS 1504, at **1-3 (Tex. App.—Beaumont Mar. 6, 2025, no pet.) (mem. op.) (“[A]n unverified motion to reinstate does not extend the trial court's plenary jurisdiction beyond thirty days after the order of dismissal is signed.”); *Owens v. Brock Agency, Inc.*, No. 09-22-00336-CV, 2023 Tex. App.

LEXIS 3782, at *13 (Tex. App.— Beaumont June 1, 2023, pet. denied) (mem. op.) (“An unverified motion to reinstate does not extend the trial court's plenary jurisdiction[.]”); *In re Valliance Bank*, 422 S.W.3d at 728-29; see also Tex. R. Civ. P. 165a(3).

Accordingly, the trial court's order of reinstatement was signed and entered after its plenary power had expired, 4 and the order of reinstatement is void. See *In re Valliance Bank*, 422 S.W.3d at 728-29. We conditionally grant the petition for writ of mandamus and order the trial court to set aside its November 7, 2025 Order Granting Amended Verified Motion to Reinstate.

The writ will issue only in the event the trial court fails to do so within thirty days of the date of this opinion. PETITION CONDITIONALLY GRANTED. PER CURIAM Submitted on December 29, 2025 Opinion Delivered January 15, 2026 Before Golemon, C.J., Johnson and Wright, JJ. 5