

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.)