

COURT OF APPEALS, SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH

Jessie Goodfellow v. City of North Richland Hills, T. Oscar Trevino, Jr., Billy Parks, Cecille Delaney, Ricky Rodriguez, Danny Roberts, Matt Blake, Russ Mitchell, Kelvin Deupree, Mark Hindman, Robert Burgess, Paulette Hartman, and Boe Blankenship

No. 02-25-00644-CV (Tex. App.—Fort Worth June 25, 2026) · No. 02-25-00644-CV · Decided June 25, 2026

SUMMARY

The Texas Court of Appeals, Second Appellate District, affirmed the dismissal of Jessie Goodfellow’s claims against the City of North Richland Hills and several city officials. The court held that the trial court properly considered Goodfellow’s amended petition, that prospective injunctive relief could not stand without an underlying cause of action against the City, and that her alleged ultra vires claims failed because she sought monetary damages. The court also held that a constitutional takings claim under Article I, Section 17 of the Texas Constitution cannot be maintained against individual officials rather than a governmental entity with eminent-domain power.

CASE DETAILS

COURT	Court of Appeals, Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Dana Womack; Birdwell; Womack; Walker
JURISDICTION	Court of Appeals, Second Appellate District of Texas at Fort Worth
DECIDED	June 25, 2026
DOCKET	02-25-00644-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from an order granting the appellees' plea to the jurisdiction and motion to dismiss.
STANDARD OF REVIEW	The court reviewed the ruling on the plea to the jurisdiction de novo. When the plea challenged the pleadings, the court liberally construed the pleadings in the plaintiff's favor, accepted factual allegations as true, and determined whether the live pleading affirmatively demonstrated jurisdiction. The court analyzed jurisdiction claim by claim.

PRECEDENTIAL VALUE	Published Texas Court of Appeals memorandum opinion according to the supplied metadata; the opinion itself is labeled a memorandum opinion.
PARTIES	Jessie Goodfellow v. City of North Richland Hills, T. Oscar Trevino, Jr., Billy Parks, Cecille Delaney, Ricky Rodriguez, Danny Roberts, Matt Blake, Russ Mitchell, Kelvin Deupree, Mark Hindman, Robert Burgess, Paulette Hartman, Boe Blankenship

TOPICS

subject matter jurisdiction

interlocutory appeal

injunctions

takings clause

municipal law

PRACTICE AREAS

civil procedure

constitutional law

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the trial court was required to deny the plea to the jurisdiction and motion to dismiss as moot because Goodfellow filed a first amended petition after those motions were filed.
2. Whether Goodfellow could obtain prospective injunctive relief against the City without pleading an underlying cause of action against the City.
3. Whether Goodfellow adequately pleaded ultra vires claims against the individual governmental officials when she sought damages rather than prospective relief and alleged only vague conclusions concerning ultra vires conduct.
4. Whether a constitutional takings claim under Article I, Section 17 of the Texas Constitution may be maintained against individual governmental officials rather than an entity with eminent-domain power.

HOLDINGS

1. A plea to the jurisdiction is not rendered moot merely because the plaintiff files an amended petition. Claims remaining in the live pleading may be resolved through the previously filed jurisdictional plea, and the trial court properly evaluated Goodfellow's first amended petition.
2. A plaintiff may not maintain a claim for prospective injunctive relief against a governmental entity without pleading an underlying cause of action establishing liability. Because Goodfellow pleaded no cause of action against the City, the trial court properly dismissed her requested injunctive relief.
3. Goodfellow did not adequately plead an ultra vires claim because her only claim against the individual appellees sought damages for an already completed injury rather than prospective relief, and her allegations of unauthorized conduct were inadequately specific.
4. A constitutional takings claim under Article I, Section 17 of the Texas Constitution cannot be maintained against individual governmental officials; it must be asserted against an entity with eminent-domain power. Goodfellow's takings claim against the individual appellees therefore failed.

KEY QUOTATIONS

“claims that remain after the pleading has been amended may be disposed of through a plea to the jurisdiction filed prior to the amended pleading” (10)

“Injunctive relief is an equitable remedy that is only available when liability is established through a cause of action.” (11)

“ultra vires claimants are only entitled to prospective relief” (13)

“Such a claim necessarily fails because it cannot be maintained against individuals” (16)

FACTUAL BACKGROUND

Goodfellow purchased a home in North Richland Hills and alleged that it flooded during even minor rain events. She attributed the flooding to the City's and individual officials' approval of the Smith Farm development and an adjoining neighborhood despite warnings about resulting surface- and groundwater flooding. In her first amended petition, she sought only prospective injunctive relief against the City and asserted a constitutional takings claim against the individual appellees.

PROCEDURAL HISTORY

Goodfellow sued the City and individual city officials after alleging that flooding at her home resulted from approval and construction of the Smith Farm development. After the appellees filed a plea to the jurisdiction and a motion to dismiss, Goodfellow filed a first amended petition that dropped some claims, added a constitutional takings claim against the individual appellees, and limited her requested relief against the City to prospective injunctive relief. The trial court considered the amended pleading and granted the plea and motion, dismissing all claims with prejudice. Goodfellow appealed interlocutorily, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Tex. Right to Life v. Van Stean, 702 S.W.3d 348, 352 (Tex. 2024)
- Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 224-27 (Tex. 2004) (op. on reh'g)
- Reata Constr. Corp. v. City of Dallas, 197 S.W.3d 371, 374 (Tex. 2006) (op. on reh'g)
- Bellamy v. Allegiance Benefit Plan Mgmt., Inc., 696 S.W.3d 751, 760 (Tex. App.—Eastland 2024, no pet.)
- Harris County v. Sykes, 136 S.W.3d 635, 638 (Tex. 2004)
- Alamo Heights Independent School District v. Catherine Clark, Alamo Heights Indep. Sch. Dist. v. Clark, 544 S.W.3d 755, 770 (Tex. 2018)
- Dall. Area Rapid Transit v. Whitley, 104 S.W.3d 540, 542 (Tex. 2003)
- State v. Holland, 221 S.W.3d 639, 642 (Tex. 2007)
- Town of Flower Mound v. Rembert Enters., Inc., 369 S.W.3d 465, 470 (Tex. App.—Fort Worth 2012, pet. denied) (op. on reh'g)

- Tex. Dep't of Crim. Just. v. Rangel, 595 S.W.3d 198, 205 (Tex. 2020)
- City of Ingleside v. City of Corpus Christi, 469 S.W.3d 589, 590 (Tex. 2015)
- Doe v. City of Fort Worth, 646 S.W.3d 889, 897 (Tex. App.—Fort Worth 2022, no pet.)
- Tex. A&M Univ. Sys. v. Koseoglu, 233 S.W.3d 835, 840 (Tex. 2007)
- Rancho De Los Arboles LLC v. Town of Cross Roads, No. 02-25-00208-CV, 2026 WL 253459, at *4 (Tex. App.—Fort Worth Jan. 30, 2026, no pet.) (mem. op.)
- Heckman v. Williamson County, 369 S.W.3d 137, 150 (Tex. 2012)
- City of McKinney v. Hank's Rest. Grp., L.P., 412 S.W.3d 102, 110 (Tex. App.—Dallas 2013, no pet.)
- Dominguez v. City of Fort Worth, No. 02-06-196-CV, 2008 WL 623583, at *3 & n.16 (Tex. App.—Fort Worth Mar. 6, 2008, pet. denied) (mem. op.)
- Etan Indus., Inc. v. Lehmann, 359 S.W.3d 620, 625 n.2 (Tex. 2011)
- Butnaru v. Ford Motor Co., 84 S.W.3d 198, 204 (Tex. 2002) (op. on reh'g)
- Brittingham v. Ayala, 995 S.W.2d 199, 201 (Tex. App.—San Antonio 1999, pet. denied)
- Franka v. Velasquez, 332 S.W.3d 367, 382-83 (Tex. 2011)
- City of Houston v. Houston Mun. Emps. Pension Sys., 549 S.W.3d 566, 576 (Tex. 2018)
- City of El Paso v. Heinrich, 284 S.W.3d 366, 372-77 (Tex. 2009)
- City of Austin v. Util. Assocs., Inc., 517 S.W.3d 300, 308-09 (Tex. App.—Austin 2017, pet. denied)
- Tex. Parks & Wildlife Dep't v. Sawyer Trust, 354 S.W.3d 384, 388-89 (Tex. 2011)
- Casper v. Tex. Woman's Univ., No. 02-22-00345-CV, 2023 WL 5617129, at *4 (Tex. App.—Fort Worth Aug. 31, 2023, pet. denied) (mem. op.)
- Lazarides v. Farris, 367 S.W.3d 788, 805 (Tex. App.—Houston [14th Dist.] 2012, no pet.)
- Tex. Dep't of Transp. v. Sunset Transp., Inc., 357 S.W.3d 691, 702 (Tex. App.—Austin 2011, no pet.)
- Tex. Dep't of Transp. v. Self, 690 S.W.3d 12, 26 (Tex. 2024)
- City of Arlington v. Cerkezi Enters., L.L.C., No. 02-25-00406-CV, 2026 WL 71144, at *5 (Tex. App.—Fort Worth Jan. 8, 2026, no pet.) (mem. op.)
- Shugart v. Thompson, No. 06-15-00101-CV, 2017 WL 117331, at *5-6 (Tex. App.—Texarkana Jan. 12, 2017, no pet.) (mem. op.)
- Edwards v. Mesa Hills Mall Co. Ltd. P'ship, 186 S.W.3d 587, 591 (Tex. App.—El Paso 2006, no pet.)
- San Jacinto River Auth. v. Ogletree, 594 S.W.3d 833, 839 (Tex. App.—Houston [14th Dist.] 2020, no pet.)
- Harris Cnty. Flood Control Dist. v. Kerr, 499 S.W.3d 793, 801 (Tex. 2016)
- City of Arlington v. Cerkezi Enters., L.L.C., No. 02-25-00406-CV, 2026 WL 71144, at *4 n.4 (Tex. App.—Fort Worth Jan. 8, 2026, no pet.) (mem. op.)
- Wichita Falls State Hosp. v. Taylor, 106 S.W.3d 692, 694 n.3 (Tex. 2003)