

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

City of Mission v. Enrique Maximus Rodriguez

No. 13-24-00585-CV (Tex. App.—Corpus Christi–Edinburg Mar. 19, 2026) · No. 13-24-00585-CV · Decided
March 19, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas held that Rodriguez’s pleadings did not establish a waiver of the City of Mission’s governmental immunity under the Texas Tort Claims Act. The court concluded that the pursuing officer’s use of a police cruiser did not sufficiently cause the collision and that the pleadings did not allege facts amounting to recklessness under the emergency exception. The court overruled the City’s official-immunity argument because it had not been pleaded, reversed the trial court’s denial of the plea to the jurisdiction, and remanded to allow Rodriguez an opportunity to amend.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice Peña; Justice West
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	March 19, 2026
DOCKET	13-24-00585-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Rodriguez sued the City of Mission after being injured when a fleeing motorist collided with his vehicle during a police pursuit. The trial court denied the City's plea to the jurisdiction, and the City appealed.
STANDARD OF REVIEW	Jurisdictional challenges and pleas to the jurisdiction challenging pleadings are reviewed de novo. The appellate court exercises its own judgment without deference to the trial court, liberally construes pleadings in the plaintiff's favor, and determines whether the pleadings affirmatively demonstrate jurisdiction or affirmatively negate it.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is identified as published in the supplied metadata.

PARTIES

City of Mission v. Enrique Maximus Rodriguez

TOPICS

municipal liability

subject matter jurisdiction

standard of review

appellate procedure

negligence

PRACTICE AREAS

municipal liability

governmental immunity

civil procedure

personal injury

torts

QUESTIONS PRESENTED

1. Whether Rodriguez adequately pleaded a causal nexus between Officer Monjaras's use or operation of a City vehicle and Rodriguez's injuries sufficient to invoke the Texas Tort Claims Act's general waiver of governmental immunity under Texas Civil Practice and Remedies Code section 101.021(1).
2. Whether the emergency exception to the governmental-immunity waiver under Texas Civil Practice and Remedies Code section 101.055(2) applied because Officer Monjaras was reacting to an emergency situation and Rodriguez failed to plead facts amounting to recklessness.
3. Whether the City could assert official immunity for Officer Monjaras when it had not pleaded official immunity as an affirmative defense in the trial court.
4. Whether the proper remedy was dismissal or remand to allow Rodriguez to amend his pleadings.

HOLDINGS

1. Rodriguez failed to plead facts establishing that Officer Monjaras's use of his police cruiser actually caused Rodriguez's injuries, rather than merely furnishing the condition that made the collision possible. The alleged causal connection between the cruiser and the collision was too attenuated to satisfy section 101.021(1).
2. A police pursuit of an evading suspect is an emergency situation under section 101.055(2). Rodriguez nevertheless failed to plead facts showing that Officer Monjaras acted recklessly, rather than negligently, because alleging excessive speed and that the officer should have ended the pursuit was insufficient.
3. The City could not obtain relief based on Officer Monjaras's alleged official immunity because official immunity is an affirmative defense that must be pleaded and proved, and the City did not plead it or address it in its plea to the jurisdiction.
4. Because Rodriguez's pleading did not affirmatively negate jurisdiction, the proper remedy was to reverse the denial of the plea to the jurisdiction and remand to allow Rodriguez an opportunity to amend, rather than dismiss the case.

KEY QUOTATIONS

"When a plea to the jurisdiction challenges the pleadings, we determine if the pleader has alleged facts that affirmatively demonstrate the court's jurisdiction to hear the cause." (3)

“If the pleadings affirmatively negate the existence of jurisdiction, then a plea to the jurisdiction may be granted without allowing the plaintiffs an opportunity to amend.” (3)

“The vehicle’s use must have actually caused the injury.” (6)

“We do not hold that excessive speed is categorically a matter of only negligence that never could be relevant to recklessness.” (12-13)

“We reverse the trial court’s judgment and remand the case for further proceedings.” (15)

FACTUAL BACKGROUND

On September 21, 2021, City of Mission police officer Samuel Monjaras attempted to stop Samuel Martinez for a defective license-plate light. Martinez fled, and Monjaras pursued him at high speeds, allegedly exceeding sixty miles per hour in a thirty-five-mile-per-hour zone. Rodriguez proceeded through a green light, and Martinez collided with Rodriguez's vehicle in the intersection, causing Rodriguez severe injuries, including loss of consciousness, a prolonged hospitalization, and extensive rehabilitation.

PROCEDURAL HISTORY

The City challenged the sufficiency of Rodriguez's pleadings under the Texas Tort Claims Act's governmental-immunity waiver and emergency exception, and raised official immunity for the first time on appeal. The court of appeals sustained the City's first two issues, overruled its official-immunity issue, reversed the denial of the plea to the jurisdiction, and remanded to allow Rodriguez an opportunity to amend his pleadings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the trial court's denial of the City's plea to the jurisdiction and remand for further proceedings, including an opportunity for Rodriguez to amend his pleadings.

CASES CITED

- City of Houston v. Gomez, 716 S.W.3d 161, 164-65 (Tex. 2025)
- Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 226-28 (Tex. 2004)
- Vaughn v. Vaughan, 710 S.W.3d 412, 418 (Tex. App.—Eastland 2025, pet. denied)
- Quick v. City of Austin, 7 S.W.3d 109, 116 (Tex. 1998)
- Dall. Area Rapid Transit v. Whitley, 104 S.W.3d 540, 541-43 (Tex. 2003)
- Dall. Cnty. Mental Health & Mental Retardation v. Bossley, 968 S.W.2d 339, 343 (Tex. 1998)
- City of Dallas v. Hillis, 308 S.W.3d 526, 528-35 (Tex. App.—Dallas 2010, pet. denied)
- Teague v. City of Dallas, 344 S.W.3d 434, 436-39 (Tex. App.—Dallas 2011, pet. denied)

- *Lopez v. Escobar*, No. 04-13-00151-CV, 2013 WL 4679062, at *2, *6 (Tex. App.—San Antonio Aug. 28, 2013, no pet.) (mem. op.)
- *Williams v. City of Baytown*, 467 S.W.3d 566, 569, 575-79 (Tex. App.—Houston [1st Dist.] 2015, no pet.)
- *Ryder Integrated Logistics, Inc. v. Fayette County*, 453 S.W.3d 922, 926, 929 (Tex. 2015)
- *Travis v. City of Mesquite*, 830 S.W.2d 94, 96, 99-100 (Tex. 1992)
- *City of Austin v. Powell*, 704 S.W.3d 437, 446-48, 453-54, 458, 462 (Tex. 2024)
- *City of San Antonio v. Maspero*, 640 S.W.3d 523, 531-32 (Tex. 2022)
- *Scott v. Harris*, 550 U.S. 372, 385 (2007)
- *City of San Antonio v. Hartman*, 201 S.W.3d 667, 673 (Tex. 2006)
- *Tex. Dep't of Pub. Safety v. Little*, 259 S.W.3d 236, 239 (Tex. App.—Houston [14th Dist.] 2008, no pet.)
- *Pakdimounivong v. City of Arlington*, 219 S.W.3d 401, 406-07, 410 (Tex. App.—Fort Worth 2006, pet. denied)
- *City of Amarillo v. Martin*, 971 S.W.2d 426, 431 (Tex. 1998)
- *Tex. Dep't of Pub. Safety v. Zakir*, 665 S.W.3d 884, 892 (Tex. App.—Houston [14th Dist.] 2023, no pet.)
- *City of Houston v. Rodriguez*, 704 S.W.3d 462, 469 (Tex. 2024)
- *Tex. Tech Univ. Sys. v. Martinez*, 691 S.W.3d 415, 425 (Tex. 2024)

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