

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

City of Pharr v. Lt. Krystle Guerra

No. 13-24-00112-CV · No. 13-24-00112-CV · Decided February 12, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas held that the district court lacked subject-matter jurisdiction over Lt. Krystle Guerra’s Texas Labor Code Chapter 21 gender-discrimination and retaliation claims against the City of Pharr because she failed to establish the required prima facie elements. The court dismissed those claims, held that the City’s challenge to certain requested relief was moot, and dismissed the portion of the appeal challenging the denial of the City’s motion for summary judgment because the court lacked interlocutory jurisdiction.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice Cron; Justice Silva; Justice Fonseca
JURISDICTION	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
DECIDED	February 12, 2026
DOCKET	13-24-00112-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City appealed interlocutory orders denying its plea to the jurisdiction and motion for summary judgment in Guerra's district-court action challenging civil-service suspensions and asserting gender-discrimination and retaliation claims under Chapter 21 of the Texas Labor Code.
STANDARD OF REVIEW	Subject-matter jurisdiction is reviewed de novo. When a governmental unit challenges the existence of jurisdictional facts with evidence, the review mirrors traditional summary judgment; the court takes evidence favorable to the nonmovant as true and indulges reasonable inferences in the nonmovant's favor. On a no-evidence jurisdictional challenge, the plaintiff must produce more than a scintilla of evidence on the challenged element. Appellate jurisdiction over an interlocutory order is determined under the applicable statute.

PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is reported as published in the supplied metadata.
PARTIES	City of Pharr v. Lt. Krystle Guerra

TOPICS

employment discrimination retaliation subject matter jurisdiction interlocutory appeal
appellate jurisdiction

PRACTICE AREAS

employment law civil rights administrative law municipal law civil procedure

QUESTIONS PRESENTED

1. Whether Guerra presented sufficient jurisdictional evidence to establish prima facie gender-discrimination and retaliation claims under Chapter 21 of the Texas Labor Code.
2. Whether the City's challenge to Guerra's requests for reinstatement to her former station and removal of a letter of reprimand presented a live issue concerning the scope of relief available under Chapter 143 of the Texas Local Government Code.
3. Whether the court of appeals had interlocutory jurisdiction to review the denial of the City's motion for summary judgment concerning the civil-service commission's suspension decisions.

HOLDINGS

1. Guerra failed to establish a prima facie retaliation claim because her reports concerning a subordinate's work-performance issues and the fire chief's alleged personal errands did not alert the City to a reasonable belief that unlawful discrimination was occurring and therefore were not protected activities under Chapter 21.
2. Guerra failed to establish a prima facie gender-discrimination claim because she did not identify a similarly situated male employee whose circumstances were nearly identical and who was treated more favorably.
3. The district court lacked subject-matter jurisdiction over Guerra's Chapter 21 discrimination and retaliation claims because she failed to establish the required prima facie elements, causing the statutory waiver of governmental immunity to fail.
4. The City's challenge to Guerra's requests for reinstatement to her former station and removal of a letter of reprimand was moot because those forms of relief were requested in conjunction with Guerra's Chapter 21 claims, which were dismissed.
5. The court of appeals lacked interlocutory jurisdiction to review the denial of the City's motion for summary judgment concerning the civil-service commission decisions and dismissed that portion of the appeal for want of jurisdiction.

KEY QUOTATIONS

“Chapter 21 “waives immunity, but only when the plaintiff states a claim for conduct that actually violates the statute.”” (8)

“For a plaintiff who proceeds along the McDonnell Douglas burden-shifting framework, the prima facie case is the necessary first step to bringing a discrimination claim under [Chapter 21].” (10)

“The employee’s complaint must, at a minimum, alert the employer to the employee’s reasonable belief that unlawful discrimination is at issue.” (13)

“An appellate court has no jurisdiction to review an interlocutory order unless review is conferred by statute.” (17)

FACTUAL BACKGROUND

Guerra, a lieutenant in the City of Pharr Fire Department, received five- and ten-day unpaid suspensions for allegedly leaving her assigned station or district without authorization and violating a directive concerning an exchange of time. The City’s Fire & Police Civil Service Commission unanimously upheld both suspensions after contested hearings. Guerra appealed the commission decisions to district court and alleged that the City discriminated against her because of gender and retaliated against her for reports concerning a male subordinate and the fire chief. The City challenged the Chapter 21 claims through a plea to the jurisdiction and separately sought summary judgment affirming the commission decisions on substantial-evidence grounds.

PROCEDURAL HISTORY

Guerra appealed two five- and ten-day suspensions imposed by the City of Pharr Fire Department and upheld by the City’s Fire & Police Civil Service Commission. In district court, she also asserted Chapter 21 gender-discrimination and retaliation claims and sought various forms of relief. The district court denied the City’s plea to the jurisdiction and motion for summary judgment. The court of appeals reversed and rendered dismissal of the Chapter 21 claims, held the City’s challenge concerning requested relief moot, and dismissed the portion of the appeal challenging the denial of summary judgment for lack of interlocutory jurisdiction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order denying the City’s plea to the jurisdiction was reversed, and judgment was rendered dismissing Guerra’s Chapter 21 claims, including all relief requested under those claims. The remainder of the appeal was dismissed for want of jurisdiction. No further merits review of the civil-service suspension appeals was ordered.

CASES CITED

- In re Abbott, 601 S.W.3d 802, 807 (Tex. 2020) (orig. proceeding) (per curiam)
- Tex. Ass’n of Bus. v. Tex. Air Control Bd., 852 S.W.2d 440, 443 (Tex. 1993)

- *Sampson v. Univ. of Tex. at Aus.*, 500 S.W.3d 380, 384 (Tex. 2016)
- *Mission Consol. Indep. Sch. Dist. v. Garcia*, 253 S.W.3d 653, 655 & n.2 (Tex. 2008)
- *City of Houston v. Williams*, 353 S.W.3d 128, 133 (Tex. 2011)
- *Town of Shady Shores v. Swanson*, 590 S.W.3d 544, 550-51 (Tex. 2019)
- *Alamo Heights Independent School District v. Catherine Clark, Alamo Heights Indep. Sch. Dist. v. Clark*, 544 S.W.3d 755, 763-64, 770-71, 781-83, 786 (Tex. 2018)
- *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 228 (Tex. 2004)
- *Tex. Dep't of Cmty. Affs. v. Burdine*, 450 U.S. 248, 252-56 (1981)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-05 (1973)
- *Quantum Chem. Corp. v. Toennies*, 47 S.W.3d 473, 477 (Tex. 2001)
- *Ames v. Ohio Dep't of Youth Servs.*, 605 U.S. 303, 308 (2025)
- *Tex. Tech Univ. Health Scis. Ctr.-El Paso v. Flores*, 612 S.W.3d 299, 305, 312 (Tex. 2020)
- *S. Tex. Coll. v. Villagran*, No. 13-24-00224-CV, 2026 WL 62579, at *5 (Tex. App.—Corpus Christi–Edinburg Jan. 8, 2026, no pet. h.) (mem. op.)
- *Reeves v. Anderson Plumbing Prods., Inc.*, 530 U.S. 133, 142, 148-49 (2000)
- *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 509 (1993)
- *City of Brownsville v. Garcia*, No. 13-24-00159-CV, 2025 WL 3676269, at *2 (Tex. App.—Corpus Christi–Edinburg Dec. 18, 2025, no pet. h.) (mem. op.)
- *Ysleta Indep. Sch. Dist. v. Monarrez*, 177 S.W.3d 915, 917 (Tex. 2005)
- *Autozone, Inc. v. Reyes*, 272 S.W.3d 588, 594 (Tex. 2008) (per curiam)
- *Tex. Dep't of Transp. v. Lara*, 625 S.W.3d 46, 52 (Tex. 2021)
- *Wells Fargo Bank, N.A. v. Murphy*, 458 S.W.3d 912, 916 (Tex. 2015)
- *Tex. Right to Life v. Van Stean*, 702 S.W.3d 348, 353 (Tex. 2024)
- *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021) (per curiam)
- *Harley Channelview Props., LLC v. Harley Marine Gulf, LLC*, 690 S.W.3d 32, 37 (Tex. 2024)
- *N.Y. Underwriters Ins. v. Sanchez*, 799 S.W.2d 677, 678-79 (Tex. 1990) (per curiam)
- *City of Edinburg v. Campos*, No. 13-24-00313-CV, 2025 WL 3171064, at *2 (Tex. App.—Corpus Christi–Edinburg Nov. 13, 2025, no pet.) (mem. op.)