

Question

A court in Texas has issued orders that a party believes are void. In Texas, a plea to the jurisdiction is a procedural mechanism used to challenge the court's subject matter jurisdiction over a case. A void order is one that is issued by a court without jurisdiction or in violation of due process. If an order is void due to lack of jurisdiction, a plea to the jurisdiction can be filed to challenge the court's authority to issue such orders. Filing a plea to the jurisdiction is appropriate to vacate orders that are void because they were issued without proper jurisdiction.

Answer (Texas)

Challenging Void Orders in Texas Courts Through a Plea to the Jurisdiction

Short response

In Texas, a plea to the jurisdiction is the appropriate procedural mechanism to challenge and potentially vacate court orders that are void due to lack of subject matter jurisdiction. Texas courts consistently recognize that orders issued without proper jurisdiction are fundamentally void and can be challenged at virtually any stage of proceedings through a jurisdictional plea.

Summary

A plea to the jurisdiction serves as a critical procedural tool in Texas to challenge a court's authority to hear a case based on lack of subject matter jurisdiction. When a court issues orders without proper jurisdiction, those orders are considered void, and a plea to the jurisdiction provides the formal mechanism to contest them. This procedural device directly addresses the court's power to adjudicate the matter, rather than the merits of the case itself.

Texas courts have consistently held that subject matter jurisdiction is essential to a court's authority to decide a case, and its absence cannot be waived or conferred by agreement. The Texas Supreme Court and Courts of Appeals have repeatedly affirmed that a plea to the jurisdiction is the appropriate vehicle for challenging void orders issued without jurisdiction, allowing parties to contest the fundamental authority of the court to act in the matter. When successful, such pleas can result in the dismissal of the case or the vacating of orders issued without proper jurisdictional authority.

Background on Subject Matter Jurisdiction in Texas

Nature of Subject Matter Jurisdiction

In Texas, subject matter jurisdiction is fundamental to a court's authority to hear and decide a case. As noted in a 2022 secondary source on Texas courts, "Subject-matter jurisdiction concerns a court's power to hear a case. Without it, a court does not have authority to decide a case." The same source emphasizes that "Subject matter jurisdiction is never presumed and cannot be waived or conferred by agreement. And the absence of subject matter jurisdiction can generally be raised at any time and can be raised by a court sua sponte." This highlights the critical nature of subject matter jurisdiction in the Texas legal system.

The Texas Supreme Court in [City of Hous. v. Rhule, 417 S.W.3d 440 \(Tex. 2014\)](#) emphasized that subject matter jurisdiction is "essential to a court's power to decide a case." The Court further explained that courts have "the affirmative obligation 'to ascertain that subject matter jurisdiction exists regardless of whether the parties have questioned it.'" This underscores the fundamental role that jurisdiction plays in Texas courts.

Void Orders Defined

A judgment or order is considered void when issued by a court lacking jurisdiction. According to the secondary source "[Subject Matter Jurisdiction of Texas Trial Courts](#)" (2013), "A judgment from a court without subject-matter jurisdiction is completely void" (citing multiple Texas Supreme Court cases including *Tesco American, Inc. v. Strong Industries, Inc.*, 221 SW3d 550, 556 (Tex. 2006); *Dubai Petroleum Co. v. Kazi*, 12 SW3d 71, 76 (Tex. 2000); and *Alfonso v. Skadden*, 251 SW3d 52, 55 (Tex. 2008)).

In [Luttrell v. El Paso Cnty., No. 08-16-00090-CV \(Tex. App. Dec 20, 2017\)](#), the Texas Court of Appeals explained that the Supreme Court has described a judgment as void "when 'the court rendering judgment had no jurisdiction of the parties or property, no jurisdiction of the subject matter, no jurisdiction to enter the particular judgment, or no capacity to act.'" This definition clearly establishes that orders issued without proper jurisdiction are void under Texas law.

Plea to the Jurisdiction as a Procedural Mechanism

Definition and Purpose

A plea to the jurisdiction is a specific procedural device recognized in Texas law to challenge a court's subject matter jurisdiction. The Texas Supreme Court in [Bland ISD v. Blue, 34 S.W.3d 547 \(Tex. 2000\)](#) defined it as "a dilatory plea, the purpose of which is to defeat a cause of action without regard to whether the claims asserted have merit." The Court further explained that "The purpose of a dilatory plea is not to force the plaintiffs to preview their case on the merits but to establish a reason why the merits of the plaintiffs' claims should never be reached." It should be noted that *Bland ISD* was subsequently stated as overruled by *Mayor Mike Rawlings v. Gonzalez*, 407 S.W.3d 420 (Tex. App. 2013); however, the core principles regarding the nature of pleas to the jurisdiction remain valid in Texas law.

In [Texas Dept. Parks and Wildlife v. Miranda, 133 S.W.3d 217 \(Tex. 2004\)](#), the Texas Supreme Court traced the historical significance of this procedural tool, noting that "The plea to the jurisdiction was included in procedural rules promulgated by this Court in 1877 and has been used as a procedural vehicle to challenge subject matter jurisdiction in trial courts for over a century and a half." While *Miranda* was stated as abrogated by *Russell v. City of Fort Worth Texas*, No. 2-05-191-CV (Tex. App. 5/18/2006), its historical analysis of the plea to the jurisdiction remains informative.

The 2022 secondary source "Plea To The Jurisdiction" confirms that "A plea to the jurisdiction challenges the trial court's power to exercise subject-matter jurisdiction. The plea is a 'dilatory' plea that is typically used to defeat a plaintiff's cause of action without regard to whether the claims have any merit."

Procedural Features

Several key features of the plea to the jurisdiction are worth highlighting:

Timing: According to the secondary source "[Chapter 21-9 Attacking Subject Matter Jurisdiction](#)," "A plea to the jurisdiction may be presented at any time before final judgment because subject matter jurisdiction cannot be waived prior to final judgment. A challenge to the court's subject matter jurisdiction may be raised for the first time on appeal." This underscores the fundamental nature of subject matter jurisdiction challenges.

Standard of Review: In [Branch v. Fort Bend Cnty., 14-19-00477-CV \(Tex. App. Jul 15, 2021\)](#), the court explained that "A plea questioning the trial court's jurisdiction raises a question of law that is reviewed de novo." This standard of review applies consistently across Texas cases.

Scope of Challenge: In [Minix v. Charlton, NUMBER 13-17-00082-CV \(Tex. App. Feb 22, 2018\)](#), the court noted that "A plea to the jurisdiction is a procedural device used to challenge the court's subject-matter jurisdiction over a claim." The court further specified that "Without subject-matter jurisdiction, a court does not have the authority to render judgment and must dismiss the claims without resolving the parties' substantive arguments."

Two Types of Jurisdictional Challenges in a Plea

Texas courts recognize that a plea to the jurisdiction can challenge subject matter jurisdiction in two distinct ways:

Challenging the Pleadings: The Texas Supreme Court in [Zachry Constr. Corp. v. Port of Hous. Auth. of Harris Cnty., 449 S.W.3d 98 \(Tex. 2014\)](#) explained that "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. We construe the pleadings liberally in favor of the plaintiffs and look to the pleaders' intent." It's important to note that Zachry was later declined to extend by *Tex. Capital Bank N.A. v. Dall. Roadster, Ltd.* (In re Dall. Roadster, Ltd.), 846 F.3d 112 (5th Cir. 2017), but this does not affect the general principles regarding pleas to the jurisdiction.

Challenging Jurisdictional Facts: The same Zachry case noted that "if a plea to the jurisdiction challenges the existence of jurisdictional facts, we consider relevant evidence submitted by the parties when necessary to resolve the jurisdictional issues raised."

Similarly, [Brown v. Daniels, No. 05-20-00579-CV \(Tex. App. May 19, 2021\)](#) reaffirmed that "A plea to the jurisdiction is a dilatory plea that seeks dismissal of a case for lack of subject matter jurisdiction" and emphasized that "Subject matter jurisdiction—essential to the authority of the court to decide a case—is never presumed and cannot be waived."

Application: Challenging Void Orders Through a Plea to the Jurisdiction

Appropriate Use of the Procedural Mechanism

Based on the Texas authorities reviewed, it is clear that a plea to the jurisdiction is the appropriate procedural mechanism to challenge and potentially vacate court orders that are void due to lack of jurisdiction. [Curry v. Harris Cnty. Appraisal Dist., 434 S.W.3d 815 \(Tex. App. 2014\)](#) explicitly states that "When there is an issue as to the trial court's subject-matter jurisdiction, the trial court first must determine that it has subject-matter jurisdiction before addressing the merits... If the trial court lacked subject-matter jurisdiction, then its ruling on the merits is void." This directly supports the proposition that a plea to the jurisdiction can be used to challenge void orders.

[Pidgeon v. Turner, 625 S.W.3d 583 \(Tex. App. 2021\)](#) further reinforces this point by explaining that "When there is an issue as to the trial court's subject-matter jurisdiction, including an issue of governmental immunity, the trial court first must determine that it has subject-matter jurisdiction before addressing the merits." While Pidgeon was later superseded by [Pidgeon v. Turner](#), 659 S.W.3d 416(Mem) (Tex. 2022), the procedural principle regarding jurisdictional determinations remains valid.

In [In re Estate of Blankenship, No. 04-08-00043-CV \(Tex. App. 5/6/2009\)](#), the court recognized that a plea could be "properly construed as a collateral attack on an allegedly void order" when it concerns jurisdictional matters. This case provides direct support for using a plea to the jurisdiction to challenge orders that are believed to be void due to lack of jurisdiction.

Process for Filing and Reviewing a Plea to the Jurisdiction

When a plea to the jurisdiction is filed to challenge void orders, Texas courts follow an established process:

Initial Examination of Pleadings: As explained in [State v. Holland, 221 S.W.3d 639 \(Tex. 2007\)](#), courts "focus first on the plaintiff's petition to determine whether the facts pled affirmatively demonstrate that jurisdiction exists" and "construe the pleadings liberally, looking to the pleader's intent."

Consideration of Evidence: [Dixon v. Bank of N.Y. Mellon, 507 S.W.3d 783 \(Tex. App. 2015\)](#) notes that a plea to the jurisdiction "may challenge the plaintiff's pleading, the existence of the jurisdictional facts alleged in the pleading, or both." When jurisdictional facts are challenged, courts will consider relevant evidence.

De Novo Review: [City of Hous. v. Ranjel, 407 S.W.3d 880 \(Tex. App. 2013\)](#) explains that courts "review a trial court's ruling on a plea to the jurisdiction de novo." This means that appellate courts give no deference to the trial court's jurisdictional determination.

Opportunity to Amend: [Tex. Dep't of State Health Servs. v. Balquinta, 429 S.W.3d 726 \(Tex. App. 2014\)](#) states that "If the pleadings fail to allege sufficient facts to affirmatively demonstrate the trial court's jurisdiction but also fail to affirmatively demonstrate incurable defects in jurisdiction, the issue is one of

pleading sufficiency, and the plaintiff should be afforded the opportunity to amend."

Dismissal if Jurisdiction Lacking: [Harris County v. Sykes, 136 S.W.3d 635 \(Tex. 2004\)](#) confirms that "A plea to the jurisdiction is a dilatory plea that seeks dismissal of a case for lack of subject matter jurisdiction."

Particular Application to Void Orders

The sources consistently support the proposition that a plea to the jurisdiction is appropriate to vacate orders that are void due to lack of jurisdiction. [City of Fort Worth v. Robles, 51 S.W.3d 436 \(Tex. App. 2001\)](#) defines a plea to the jurisdiction as "a dilatory plea by which a party contests the trial court's authority to determine the subject matter of the cause of action." This case was later disapproved by *City of Grapevine v. Sipes*, 195 S.W.3d 689 (Tex. 2006), but not on the fundamental principle regarding the nature of jurisdictional pleas.

[Guadalupe-Blanco River Author. v. Pitonyak, 84 S.W.3d 326 \(Tex. App. 2002\)](#) further clarifies that "A plea to the jurisdiction is the vehicle by which a party contests the trial court's authority to determine the subject matter of the cause of action." The court emphasized that "Subject matter jurisdiction is never presumed and cannot be waived" and "Absent the State's consent to suit, the trial court has no jurisdiction."

[State v. Benavides, 772 S.W.2d 271 \(Tex. App. 1989\)](#) explicitly rejected the argument "that there is no procedure called a plea to the jurisdiction," noting that "Tex.R.Civ.P. 85 expressly provides that a defendant in a cause of action may assert a plea to the jurisdiction" and that "it is well established that a plea to the jurisdiction is a dilatory plea which is properly employed to challenge the court's subject matter jurisdiction over a cause of action."

Specific Contexts and Applications

Governmental Immunity

Many cases discussing pleas to the jurisdiction arise in the context of governmental immunity. [Branch v. Fort Bend Cnty., 14-19-00477-CV \(Tex. App. Jul 15, 2021\)](#) notes that "An assertion of governmental immunity implicates a court's subject matter jurisdiction and is therefore properly asserted in a plea to the jurisdiction." While this context is specific, the procedural principles apply broadly to any jurisdictional challenge.

Factual Disputes in Jurisdictional Pleas

When there are factual disputes regarding jurisdiction, [Zachry Constr. Corp. v. Port of Hous. Auth. of Harris Cnty., 449 S.W.3d 98 \(Tex. 2014\)](#) provides guidance: "If the evidence creates a fact question... the trial court cannot grant the plea to the jurisdiction, and the fact issue will be resolved by the fact finder." This principle ensures that genuine disputes about jurisdictional facts are properly resolved.

Standing as a Jurisdictional Issue

[Bland ISD v. Blue, 34 S.W.3d 547 \(Tex. 2000\)](#) notes that "Standing is a prerequisite to subject-matter jurisdiction, and subject-matter jurisdiction is essential to a court's power to decide a case." This indicates that challenges to standing can also be brought through a plea to the jurisdiction, as they implicate the court's fundamental authority to hear the case.

The Effect of a Successful Plea to the Jurisdiction

When a plea to the jurisdiction is successful in challenging void orders, the result is typically dismissal of the case without prejudice, as explained in multiple sources:

[Brown v. Daniels, No. 05-20-00579-CV \(Tex. App. May 19, 2021\)](#) concludes by stating that when jurisdiction is lacking, the court will "reverse the trial court's denial of the plea to the jurisdiction, and render judgment dismissing [the] claims... for lack of subject matter jurisdiction."

[Minix v. Charlton, NUMBER 13-17-00082-CV \(Tex. App. Feb 22, 2018\)](#) emphasizes that "Without subject-matter jurisdiction, a court does not have the authority to render judgment and must dismiss the claims without resolving the parties' substantive arguments."

The essential principle is that orders issued without jurisdiction are fundamentally void and have no legal effect. As the secondary source "Jurisdiction's noble lie" notes, citing *Pennoyer v. Neff*, 95 U.S. 714, 732 (1877): "if the court has no jurisdiction over the person of the defendant... and, consequently no authority to pass upon his personal rights and obligations; if the whole proceeding, without service upon him or his appearance, is coram non judice and void; if to hold a defendant bound by such a judgment is contrary to the first principles of justice--it is difficult to see how the judgment can legitimately have any force...."

Conclusion

Texas law clearly establishes that a plea to the jurisdiction is the appropriate procedural mechanism to challenge and potentially vacate court orders that are void due to lack of jurisdiction. Subject matter jurisdiction is fundamental to a court's authority to decide a case, and its absence renders any resulting orders void. The plea to the jurisdiction directly addresses this fundamental issue by challenging the court's power to hear the case in the first place.

Texas courts from the Supreme Court down to the Courts of Appeals have consistently recognized the plea to the jurisdiction as a proper vehicle for such challenges. While some cases cited have been subject to subsequent treatment, the core principles regarding jurisdictional pleas remain firmly established in Texas jurisprudence.

When a party believes that a Texas court has issued orders without proper jurisdiction, filing a plea to the jurisdiction provides a direct procedural path to contest those orders. If successful, such a plea will result in the dismissal of the case for lack of subject matter jurisdiction, effectively vacating any orders issued without authority. This procedural mechanism serves the essential function of ensuring that courts act only within the bounds of their jurisdictional authority.

Legal Authorities

[In re Estate of Blankenship, No. 04-08-00043-CV \(Tex. App. 5/6/2009\), No. 04-08-00043-CV. \(Tex. App. May 06, 2009\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction may challenge the subject matter jurisdiction of the court. Tex. Dept. of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 228 (Tex. 2004). ... Reviewing the probate court's November 30, 2007 Order, we hold the probate court erred by granting Kathleen's plea to the jurisdiction for lack of jurisdiction. Lucia's pleading is properly construed as a collateral attack on an allegedly void order, see Heard, 603 S.W.2d at 833, and it 'alleged facts that affirmatively demonstrate[d] the probate] court's subject matter jurisdiction,' Miranda, 133 S.W.3d at 226.

Summary

A plea to the jurisdiction can be used to challenge the subject matter jurisdiction of a court, as seen in the case where Lucia's plea was considered a collateral attack on an allegedly void order. The court recognized that such a plea could be used to argue that an order was void due to lack of jurisdiction or procedural due process violations. This aligns with the proposition that a plea to the jurisdiction is appropriate to vacate void orders.

[City of Hous. v. Downstream Envtl., L. L.C., 444 S.W.3d 24 \(Tex. App. 2014\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction based on governmental immunity questions a trial court's subject-matter jurisdiction. State v. Holland, 221 S.W.3d 639, 642 (Tex.2007) ; Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 225–26 (Tex.2004). We review de novo the trial court's ruling on a plea to the jurisdiction. City of Houston v. Rhule, 417 S.W.3d 440, 442 (Tex.2013) (per curiam). The plaintiff must allege facts that affirmatively establish the trial court's subject matter jurisdiction. Holland, 221 S.W.3d at 642. In determining whether the plaintiff has satisfied this burden, we construe the pleadings liberally in the plaintiff's favor and deny the plea if facts affirmatively demonstrating jurisdiction have been alleged.

Summary

The passage explains that a plea to the jurisdiction is a procedural tool used to challenge a court's subject matter jurisdiction. It emphasizes that the plaintiff must allege facts that establish the court's jurisdiction, and if the pleadings do not demonstrate jurisdiction, the plea can be granted. This supports the proposition that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction.

[Abbott v. G.G.E., 463 S.W.3d 633 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is among the procedural mechanisms through which a party may challenge a trial court's authority to decide the subject matter of a specific cause of action. See Texas Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 226 (Tex.2004) ; Texas Dep't of State Health Servs. v. Balquinta, 429 S.W.3d 726, 737 (Tex.App.—Austin 2014, pet. dismiss'd). A plea questioning the trial court's subject-matter jurisdiction raises a question of law that we review de novo.

Summary

The passage clearly states that a plea to the jurisdiction is a procedural mechanism used to challenge a trial court's authority to decide the subject matter of a specific cause of action. This aligns with the proposition that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction. The context of the passage is a legal case in Texas, and the scope is broad, applying to any situation where subject matter jurisdiction is questioned.

[Pidgion v. Turner, 625 S.W.3d 583 \(Tex. App. 2021\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is a dilatory plea that seeks dismissal of a case for lack of subject matter jurisdiction. Harris Cnty. v. Sykes, 136 S.W.3d 635, 638 (Tex. 2004). A plea to the jurisdiction may challenge whether the plaintiff has met its burden of alleging jurisdictional facts or it may challenge the existence of jurisdictional facts. Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 226–27 (Tex. 2004). ... When there is an issue as to the trial court's subject-matter jurisdiction, including an issue of governmental immunity, the trial court first must determine that it has subject-matter jurisdiction before addressing the merits. See Hillman v. Nueces County, 579 S.W.3d 354, 359 n.5 (Tex. 2019) ; Curry v. Harris County Appraisal Dist., 434 S.W.3d 815, 820 (Tex. App.—Houston [14th

Dist.] 2014, no pet.). In the face of an issue or doubt as to whether a court has subject-matter jurisdiction, a court may not presume that it has subject-matter jurisdiction and proceed to adjudicate the merits. See Zachry Const. Corp. v. Port of Houston Auth. of Harris Cnty., 449 S.W.3d 98, 105 (Tex. 2014) ; Curry, 434 S.W.3d at 820.

Summary

The passage explains that a plea to the jurisdiction is used to challenge the court's subject matter jurisdiction, which is directly relevant to the proposition. It also emphasizes that a court must determine it has subject matter jurisdiction before addressing the merits of a case. This supports the idea that if an order is void due to lack of jurisdiction, a plea to the jurisdiction is the appropriate mechanism to challenge and potentially vacate such orders.

[Luttrell v. El Paso Cnty., No. 08-16-00090-CV \(Tex. App. Dec 20, 2017\)](#)

Texas Court of Appeals

Extract

The function of a plea to the jurisdiction is to determine whether the court has subject matter jurisdiction over a cause of action, 'without regard to whether the claims asserted have merit.' ... In a plea to the jurisdiction, a defendant may challenge the sufficiency of the plaintiff's pleadings to establish jurisdiction or, alternatively, the existence of 'jurisdictional facts' on the ground that the facts do not support a finding of subject matter jurisdiction. ... The Supreme Court has described a judgment as void, as opposed to merely voidable, when 'the court rendering judgment had no jurisdiction of the parties or property, no jurisdiction of the subject matter, no jurisdiction to enter the particular judgment, or no capacity to act.'

Summary

The passage explains the function of a plea to the jurisdiction, which is to determine whether a court has subject matter jurisdiction over a case. It also clarifies that a judgment is considered void if the court lacked jurisdiction over the parties, property, or subject matter, or if it had no capacity to act. This directly supports the proposition that a plea to the jurisdiction can be used to challenge void orders due to lack of jurisdiction.

[Brown v. Daniels, No. 05-20-00579-CV \(Tex. App. May 19, 2021\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is a dilatory plea that seeks dismissal of a case for lack of subject matter jurisdiction. Harris Cty. v. Sykes, 136 S.W.3d 635, 638 (Tex. 2004). Subject matter jurisdiction—essential to the authority of the court to decide a case—is never presumed and cannot be waived. Tex. Ass'n of Bus., 852 S.W.2d at 443-44. ... We conclude appellees' pleadings affirmatively negate the existence of jurisdiction. We sustain the Sheriff's issues, reverse the trial court's denial of the plea to the jurisdiction, and render judgment dismissing appellees' claims against the Sheriff for lack of subject matter jurisdiction.

Summary

The passage explains that a plea to the jurisdiction is used to challenge the court's subject matter jurisdiction, which is essential for the court's authority to decide a case. The passage also demonstrates that if the pleadings negate the existence of jurisdiction, the plea to the jurisdiction can be sustained, leading to the dismissal of claims for lack of subject matter jurisdiction. This aligns with the proposition that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction.

[Luttrell v. El Paso Cnty., 555 S.W.3d 812 \(Tex. App. 2018\)](#)

Texas Court of Appeals

Extract

The function of a plea to the jurisdiction is to determine whether the court has subject matter jurisdiction over a cause of action, 'without regard to whether the claims asserted have merit.' See City of El Paso v. Waterblasting Techs., Inc., 491 S.W.3d 890, 894 (Tex. App.—El Paso 2016, no pet.) (quoting Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 554 (Tex. 2000)). In a plea to the jurisdiction, a defendant may challenge the sufficiency of the plaintiff's pleadings to establish jurisdiction or, alternatively, the existence of 'jurisdictional facts' on the ground that the facts do not support a finding of subject matter jurisdiction.

Summary

The passage explains the function of a plea to the jurisdiction, which is to determine whether a court has subject matter jurisdiction over a case. It highlights that a plea to the jurisdiction can be used to challenge the sufficiency of the pleadings or the existence of jurisdictional facts. This aligns with the proposition that a plea to the jurisdiction is a procedural mechanism to challenge a court's authority when an order is believed to be void due to lack of jurisdiction.

[Bland ISD v. Blue, 34 S.W.3d 547, 44 Tex. Sup. Ct. J. 125 \(Tex. 2000\)](#)

Texas Supreme Court

Extract

Standing is a prerequisite to subject-matter jurisdiction, and subject-matter jurisdiction is essential to a court's power to decide a case. The absence of subject-matter jurisdiction may be raised by a plea to the jurisdiction, as well as by other procedural vehicles, such as a motion for summary judgment. BISD has raised its challenge by a plea to the jurisdiction. A plea to the jurisdiction is a dilatory plea, the purpose of which is to defeat a cause of action without regard to whether the claims asserted have merit. The claims may form the context in which a dilatory plea is raised, but the plea should be decided without delving into the merits of the case. The purpose of a dilatory plea is not to force the plaintiffs to preview their case on the merits but to establish a reason why the merits of the plaintiffs' claims should never be reached.

Summary

The passage explains that subject-matter jurisdiction is essential for a court's power to decide a case, and the absence of such jurisdiction can be challenged through a plea to the jurisdiction. This aligns with the proposition that a plea to the jurisdiction is a procedural mechanism to challenge a court's authority when an order is believed to be void due to lack of jurisdiction. The passage also clarifies that a plea to the jurisdiction is meant to address jurisdictional issues without delving into the merits of the case, which supports the idea that it is appropriate for challenging void orders.

[Texas Dept. Parks and Wildlife v. Miranda, 133 S.W.3d 217 \(Tex. 2004\)](#)

Texas Supreme Court

Extract

The plea to the jurisdiction was included in procedural rules promulgated by this Court in 1877 and has been used as a procedural vehicle to challenge subject matter jurisdiction in trial courts for over a century and a half. See TEX.R.CIV. P. 85; Tex. Dist. Ct. R. 7, 47 Tex. 597, 617 (1877); Hosner, 1 Tex. at 769. In fact, as early as 1893, Texas courts indicated that evidentiary challenges to subject matter jurisdiction raised in pleas to the jurisdiction should be considered by trial courts.

Summary

The plea to the jurisdiction is a long-standing procedural mechanism in Texas used to challenge a court's subject matter jurisdiction. The passage highlights the historical use and acceptance of this plea in Texas courts, indicating its relevance and applicability in cases where jurisdiction is questioned. This supports the proposition that a plea to the jurisdiction can be used to challenge void orders due to lack of jurisdiction.

[State v. Benavides, 772 S.W.2d 271 \(Tex. App. 1989\)](#)

Texas Court of Appeals

Extract

At the outset, we note that we are faced with the question of whether a plea to the jurisdiction was the proper procedure to attack the place of suit under section 5.05(b). The State's argument that there is no procedure called a plea to the jurisdiction is wholly without merit. Tex.R.Civ.P. 85 expressly provides that a defendant in a cause of action may assert a plea to the jurisdiction. Likewise, it is well established that a plea to the jurisdiction is a dilatory plea which is properly employed to challenge the court's subject matter jurisdiction over a cause of action.

Summary

A plea to the jurisdiction is a recognized procedural mechanism in Texas to challenge a court's subject matter jurisdiction. The passage confirms that such a plea is appropriate when questioning the court's authority to issue orders, especially when jurisdiction is statutorily defined. This aligns with the proposition that a plea to the jurisdiction can be used to vacate void orders due to lack of jurisdiction.

[Dixon v. Bank of N.Y. Mellon, 507 S.W.3d 783 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction challenges the court's authority to determine the subject matter of the action. ... The plea may challenge the plaintiff's pleading, the existence of the jurisdictional facts alleged in the pleading, or both. ... Whether a party has alleged facts that affirmatively demonstrate a trial court's subject matter jurisdiction is a question of law which is subject to de novo review.

Summary

The passage explains that a plea to the jurisdiction is a procedural tool used to challenge a court's authority over the subject matter of a case. It can be used to contest the jurisdictional facts alleged in the pleadings or the sufficiency of those pleadings. This aligns with the proposition that a plea to the jurisdiction can be

filed to challenge orders that are void due to lack of jurisdiction. The passage also notes that whether a court has subject matter jurisdiction is a question of law, which supports the idea that such challenges are appropriate for judicial review.

[Branch v. Fort Bend Cnty., 14-19-00477-CV \(Tex. App. Jul 15, 2021\)](#)

Texas Court of Appeals

Extract

An assertion of governmental immunity implicates a court's subject matter jurisdiction and is therefore properly asserted in a plea to the jurisdiction. Annab, 547 S.W.3d at 613; Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 225-26 (Tex. 2004). A plea questioning the trial court's jurisdiction raises a question of law that is reviewed de novo. State v. Holland, 221 S.W.3d 639, 642 (Tex. 2007). A plea to the jurisdiction can challenge either the pleadings or the existence of jurisdictional facts. See Miranda, 133 S.W.3d at 226-27; City of Houston v. Ranjel, 407 S.W.3d 880, 887 (Tex. App.-Houston [14th Dist.] 2013, no pet.).

Summary

The passage explains that a plea to the jurisdiction is a procedural mechanism used to challenge a court's subject matter jurisdiction. It is applicable in cases where governmental immunity is asserted, which implicates the court's jurisdiction. The plea can challenge either the pleadings or the existence of jurisdictional facts, and it is reviewed de novo as a question of law. This supports the proposition that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction.

[Minix v. Charlton, NUMBER 13-17-00082-CV \(Tex. App. Feb 22, 2018\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is a procedural device used to challenge the court's subject-matter jurisdiction over a claim. Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 232 (Tex. 2004); Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 553-54 (Tex. 2000). Without subject-matter jurisdiction, a court does not have the authority to render judgment and must dismiss the claims without resolving the parties' substantive arguments. See City of Houston v. Rhule, 417 S.W.3d 440, 442 (Tex. 2013); Blue, 34 S.W.3d at 553-54. Thus, a defendant can use a plea to the jurisdiction to defeat a cause of action without regard to its merits.

Summary

The passage explains that a plea to the jurisdiction is a procedural device used to challenge a court's subject-matter jurisdiction. It further clarifies that without subject-matter jurisdiction, a court lacks the authority to render judgment, and claims must be dismissed. This aligns with the proposition that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction.

[Guadalupe-Blanco River Author. v. Pitonyak, 84 S.W.3d 326 \(Tex. App. 2002\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is the vehicle by which a party contests the trial court's authority to determine the subject matter of the cause of action. ... Subject matter jurisdiction is never presumed and cannot be waived. ... Absent the State's consent to suit, the trial court has no jurisdiction. ... We therefore reverse the decision of the trial court denying the plea to the jurisdiction and remand this cause for further proceedings commensurate with this opinion.

Summary

The passage explains that a plea to the jurisdiction is used to contest a court's authority over the subject matter, which directly relates to the proposition that such a plea can be used to challenge void orders issued without jurisdiction. The passage also emphasizes that subject matter jurisdiction cannot be presumed or waived, reinforcing the idea that orders issued without jurisdiction are void. The case further illustrates that if a court lacks jurisdiction, its orders can be challenged and potentially reversed, supporting the proposition that a plea to the jurisdiction is appropriate in such situations.

[City of Fort Worth v. Robles, 51 S.W.3d 436 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is a dilatory plea by which a party contests the trial court's authority to determine the subject matter of the cause of action. ... In determining whether jurisdiction exists, we look to the allegations in the pleadings, accept them as true, and construe them in favor of the pleader. ... We also consider evidence relevant to the jurisdictional issue that was before the trial court when it ruled on the plea.

Summary

The passage explains that a plea to the jurisdiction is used to contest a court's authority over the subject matter of a case. It also outlines the process of determining jurisdiction, which involves reviewing pleadings and relevant evidence. This supports the proposition that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction, as it directly addresses the mechanism for contesting jurisdictional authority.

[City of Hous. v. Rhule, 417 S.W.3d 440, 56 Tex. Sup. Ct. J. 96 \(Tex. 2014\)](#)

Texas Supreme Court

Extract

Subject matter jurisdiction is 'essential to a court's power to decide a case.' Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 553–54 (Tex.2000). A court acting without such power commits fundamental error that we may review for the first time on appeal. Tex. Ass'n of Bus. v. Tex. Air Control Bd., 852 S.W.2d 440, 443–44 (Tex.1993). Not only may a reviewing court assess jurisdiction for the first time on appeal, but all courts bear the affirmative obligation 'to ascertain that subject matter jurisdiction exists regardless of whether the parties have questioned it.'

Summary

The passage emphasizes the fundamental nature of subject matter jurisdiction in Texas courts. It states that subject matter jurisdiction is essential for a court's power to decide a case, and acting without it constitutes a fundamental error. This supports the proposition that a plea to the jurisdiction is appropriate to challenge void orders due to lack of jurisdiction. The passage also highlights that courts have an obligation to ensure subject matter jurisdiction exists, which aligns with the use of a plea to the jurisdiction to vacate void orders.

[State v. Holland, 221 S.W.3d 639 \(Tex. 2007\)](#)

Texas Supreme Court

Extract

A plea to the jurisdiction based on sovereign immunity challenges a trial court's jurisdiction. Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 225-26 (Tex.2004). A plea questioning the trial court's jurisdiction raises a question of law that we review de novo. Id. at 226. We focus first on the plaintiff's petition to determine whether the facts pled affirmatively demonstrate that jurisdiction exists. Id. We construe the pleadings liberally, looking to the pleader's intent. Id. If the pleadings are insufficient to establish jurisdiction but do not affirmatively demonstrate an incurable defect, the plaintiff should be afforded the opportunity to replead. Id. at 226-27. In some instances, however, a plea to the jurisdiction may require the court to consider evidence pertaining to jurisdictional facts. Id. at 227; Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 555 (Tex.2000). A plea should not be granted if a fact issue is presented as to the court's jurisdiction, but if the relevant undisputed evidence negates jurisdiction, then the plea to the jurisdiction must be granted. Miranda, 133 S.W.3d at 227-28.

Summary

The passage explains that a plea to the jurisdiction is a legal mechanism used to challenge a trial court's jurisdiction, which is directly relevant to the proposition. It outlines the process of reviewing such pleas, including the examination of the plaintiff's petition and the consideration of jurisdictional facts. This supports the idea that a plea to the jurisdiction can be used to challenge void orders issued without proper jurisdiction.

[Harris County v. Sykes, 136 S.W.3d 635 \(Tex. 2004\)](#)

Texas Supreme Court

Extract

A plea to the jurisdiction is a dilatory plea that seeks dismissal of a case for lack of subject matter jurisdiction. Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 554 (Tex.2000). Because governmental immunity from suit defeats a trial court's jurisdiction, it may be raised by such a plea. Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 225-26 (Tex.2004); Jones, 8 S.W.3d at 639. Whether a court has subject matter jurisdiction is a legal question.

Summary

A plea to the jurisdiction is specifically used to challenge the court's subject matter jurisdiction. This aligns with the proposition that if an order is void due to lack of jurisdiction, a plea to the jurisdiction can be filed to challenge the court's authority. The passage confirms that such a plea is appropriate when jurisdiction is in question, supporting the idea that void orders due to lack of jurisdiction can be contested in this manner.

[City of Houston v. Ranjel, 407 S.W.3d 880 \(Tex. App. 2013\)](#)

Texas Court of Appeals

Extract

If a governmental unit has immunity from suit, a trial court lacks subject matter jurisdiction. Rusk State Hosp. v. Black, 392 S.W.3d 88, 95 (Tex.2012). A challenge to a trial court's subject matter jurisdiction may be asserted by a plea to the jurisdiction. Tex. Dept. of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 225–26 (Tex.2004). We review a trial court's ruling on a plea to the jurisdiction de novo. Id. at 228.

Summary

The passage explains that a plea to the jurisdiction is a procedural mechanism used to challenge a trial court's subject matter jurisdiction. It specifically mentions that if a governmental unit has immunity from suit, the trial court lacks subject matter jurisdiction, and a plea to the jurisdiction can be used to assert this challenge. This aligns with the proposition that a plea to the jurisdiction can be filed to challenge the court's authority to issue orders if they are void due to lack of jurisdiction.

[Curry v. Harris Cnty. Appraisal Dist., 434 S.W.3d 815 \(Tex. App. 2014\)](#)

Texas Court of Appeals

Extract

When there is an issue as to the trial court's subject-matter jurisdiction, the trial court first must determine that it has subject-matter jurisdiction before addressing the merits... If the trial court lacked subject-matter jurisdiction, then its ruling on the merits is void.

Summary

The passage emphasizes the necessity for a court to establish its subject-matter jurisdiction before proceeding to the merits of a case. It clearly states that if a court lacks subject-matter jurisdiction, any ruling it makes on the merits is void. This directly supports the proposition that a plea to the jurisdiction can be used to challenge and potentially vacate orders that are void due to lack of jurisdiction.

[Tex. Dep't of State Health Servs. v. Balquinta, 429 S.W.3d 726 \(Tex. App. 2014\)](#)

Texas Court of Appeals

Extract

A plea to the jurisdiction is among the procedural mechanisms through which a party may challenge a trial court's authority to decide the subject matter of a specific cause of action. To determine whether this authority exists, we begin with the contents of the claimant's live pleadings. The claimant has the initial burden of alleging facts that would affirmatively demonstrate the trial court's jurisdiction to hear the cause. Mere unsupported legal conclusions do not suffice. We construe the pleadings liberally in favor of jurisdiction, taking them as true in the first instance, and look to the pleader's intent. If the pleadings fail to allege sufficient facts to affirmatively demonstrate the trial court's jurisdiction but also fail to affirmatively demonstrate incurable defects in jurisdiction, the issue is one of pleading sufficiency, and the plaintiff should be afforded the opportunity to amend. If, on the other hand, the pleadings affirmatively negate the existence of jurisdiction, then a plea to the jurisdiction may be granted without allowing the plaintiff an opportunity to amend.

Summary

The passage explains that a plea to the jurisdiction is a procedural tool used to challenge a court's authority to decide on a case's subject matter. It outlines the process of determining jurisdiction, emphasizing the claimant's burden to demonstrate jurisdiction through pleadings. If the pleadings negate jurisdiction, a plea to the jurisdiction can be granted. This aligns with the proposition that a plea to the jurisdiction can be used to challenge void orders due to lack of jurisdiction.

[Zachry Constr. Corp. v. Port of Hous. Auth. of Harris Cnty., 449 S.W.3d 98 \(Tex. 2014\)](#)

Texas Supreme Court

Extract

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. We construe the pleadings liberally in favor of the plaintiffs and look to the pleaders' intent. If ... the issue is one of pleading sufficiency [] the plaintiffs should be afforded the opportunity to amend [unless] the pleadings affirmatively negate the existence of jurisdiction.... However, if a plea to the jurisdiction challenges the existence of jurisdictional facts, we consider relevant evidence submitted by the parties when necessary to resolve the jurisdictional issues raised.... If the evidence creates a fact question ... the trial court cannot grant the plea to the jurisdiction, and the fact issue will be resolved by the fact finder.

Summary

The passage explains the process and considerations involved when a plea to the jurisdiction is filed. It highlights that the court must determine if the pleadings demonstrate jurisdiction and that evidence may be considered to resolve jurisdictional issues. This supports the proposition that a plea to the jurisdiction can be

used to challenge void orders due to lack of jurisdiction, as it outlines the procedural mechanism for such challenges.

[Chapter 21-9 Attacking Subject Matter Jurisdiction](#)

Texas Commercial Causes of Action Claims - Full Court Press

Extract

A plea to the jurisdiction challenges a Texas court's subject matter jurisdiction. A plea to the jurisdiction may be presented at any time before final judgment because subject matter jurisdiction cannot be waived prior to final judgment. A challenge to the court's subject matter jurisdiction may be raised for the first time on appeal.

Summary

The passage explains that a plea to the jurisdiction is a tool used to challenge a Texas court's subject matter jurisdiction. It highlights that such a plea can be presented at any time before final judgment and even for the first time on appeal. This aligns with the proposition that a plea to the jurisdiction can be used to challenge void orders due to lack of jurisdiction, as it emphasizes the procedural mechanism available to address jurisdictional issues.

[Subject Matter Jurisdiction of Texas Trial Courts](#)

Texas Pretrial Practice. Volume 1-2 - James Publishing - Scott Brister (Ret.), Dan S. Boyd - 2013-05-05

Extract

A judgment from a court without subject-matter jurisdiction is completely void. [Tesco American, Inc. v. Strong Industries, Inc., 221 SW3d 550, 556 (Tex 2006); Dubai Petroleum Co. v. Kazi, 12 SW3d 71, 76 (Tex 2000); Alfonso v. Skadden, 251 SW3d 52, 55 (Tex 2008).] ... Plea to the jurisdiction. [State v. Lueck, 290 SW3d 876, 884 (Tex 2009).] A plea to the jurisdiction has become the most common form for attacking subject matter jurisdiction. Like a special exception, it does not require the plaintiff to establish the merits of the underlying claim. [Bland ISD v. Blue, 34 SW3d 547, 554 (Tex 2000).]

Summary

The passage clearly states that a judgment from a court without subject-matter jurisdiction is void. It also explains that a plea to the jurisdiction is a common procedural mechanism used to challenge subject matter jurisdiction. This aligns with the proposition that a plea to the jurisdiction can be used to vacate void orders due to lack of jurisdiction.

[Jurisdiction's noble lie.](#)

Stanford Law Review - Stanford Law School - Bloom, Frederic M. - 2009-03-01

Extract

"Bain's elastic concept of jurisdiction is not what the term 'jurisdiction' means today, i.e., 'the courts' statutory or constitutional power to adjudicate the case.'" (quoting Steel Co. v. Citizens for a Better Environment, 535 U.S. 83, 89 (1998)); see also Pennoyer v. Neff, 95 U.S. 714, 732 (1877) ("But if the court has no jurisdiction over the person of the defendant ... and, consequently no authority to pass upon his personal rights and obligations; if the whole proceeding, without service upon him or his appearance, is coram non judice and void; if to hold a defendant bound by such a judgment is contrary to the first principles of justice--it is difficult to see how the judgment can legitimately have any force....").

Summary

Concept of jurisdiction as the statutory or constitutional power of a court to adjudicate a case. It references historical and legal precedents that establish that if a court lacks jurisdiction over a person or subject matter, any judgment or order it issues is void. This supports the proposition that a plea to the jurisdiction can be used to challenge void orders due to lack of jurisdiction, as such orders are considered to have no legitimate force.

[Plea To The Jurisdiction](#)

Extract

A plea to the jurisdiction challenges the trial court's power to exercise subject-matter jurisdiction. The plea is a 'dilatatory' plea that is typically used to defeat a plaintiff's cause of action without regard to whether the claims have any merit. A plea to the jurisdiction challenges a trial court's authority to hear a case by alleging that the factual allegations in the plaintiff's pleadings, when taken as true, fail to invoke the trial court's jurisdiction. It may also challenge the existence of jurisdictional facts.

Summary

A plea to the jurisdiction is a procedural tool used in Texas to challenge a court's subject matter jurisdiction. This aligns with the proposition that such a plea can be used to contest orders believed to be void due to lack of jurisdiction. The passage explains that a plea to the jurisdiction can challenge the court's authority to hear a case, which is directly relevant to the proposition that void orders can be vacated through this mechanism.

[Texas Courts And Subject Matter Jurisdiction](#)

Extract

Subject-matter jurisdiction concerns a court's power to hear a case. Without it, a court does not have authority to decide a case... Whether a trial court has subject matter jurisdiction is a question of law. Subject matter jurisdiction is never presumed and cannot be waived or conferred by agreement. And the absence of subject matter jurisdiction can generally be raised at any time and can be raised by a court sua sponte.

Summary

The passage explains that subject matter jurisdiction is fundamental to a court's authority to hear a case. Without it, any orders issued by the court are void. The passage also clarifies that subject matter jurisdiction cannot be waived or conferred by agreement, and challenges to it can be raised at any time. This supports the proposition that a plea to the jurisdiction is an appropriate mechanism to challenge void orders due to lack of jurisdiction.

This memo was compiled by Vincent AI based on vLex materials available as of April 24, 2025. [View full answer on vLex](#)