

AFFIRM; and Opinion Filed July 27, 2016.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-15-00990-CV

**MARSHA CHAMBERS, Appellant
V.
STATE OF TEXAS, Appellee**

**On Appeal from the 422nd Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 92091-422**

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Brown
Opinion by Justice Lang-Miers

Marsha Chambers sued the State for malicious prosecution and declaratory judgment arising out of the 2004 seizure of animals from her property. The State filed a plea to the jurisdiction, which the trial court granted. Chambers moved for a new trial, which the trial court denied. Chambers appeals the trial court's orders. We affirm the trial court's judgment.

In 2004, a justice court jury determined that Chambers cruelly treated over 100 animals in her possession. Pursuant to Chapter 821 of the Texas Health and Safety Code, the justice court divested Chambers of ownership of the animals and gave possession of the animals to the Dallas Society for the Prevention of Cruelty to Animals. Chambers appealed to the district court, which dismissed the appeal for want of jurisdiction. She appealed to this Court, and we affirmed

the district court's dismissal on jurisdictional grounds.¹ See *Chambers v. Justice Court Precinct One*, 195 S.W.3d 874 (Tex. App.—Dallas 2006, pet. disp'd w.o.j.). Over the next 12 years, Chambers filed four more lawsuits and appeals, including this one, challenging the seizure of the animals and the 2004 judgment in the justice court.

In 2006, Chambers sued the State in Kaufman County district court seeking return of the animals, a declaration that her constitutional rights were violated in the 2004 case, and a declaration that the justice court did not have jurisdiction to hear the 2004 case. *Chambers v. State*, 261 S.W.3d 755, 756 (Tex. App.—Dallas 2008, pet. denied). The trial court granted the State's plea to the jurisdiction in which the State argued that it did not waive sovereign immunity. *Id.* at 757–58. We affirmed the district court's ruling. *Id.* at 758. We also concluded that Chambers had not shown that the justice court lacked jurisdiction to hear the 2004 case and, consequently, her lawsuit was a collateral attack on the 2004 judgment that was not permitted by law. *Id.* at 759.

In 2008, Chambers filed a bill of review in the Kaufman County justice court. When the justice court denied the bill of review, Chambers appealed to the district court and then to this Court. Here, Chambers argued that the 2004 judgment was void because the justice court lacked jurisdiction over the case, the Chapter 821 provisions relevant to the 2004 case were unconstitutional, and her constitutional and statutory rights were violated in that case. *Chambers v. Perry*, No. 05-09-00407-CV, 2010 WL 1052909, at *2–4 (Tex. App.—Dallas Mar. 24, 2010, pet. disp'd w.o.j.). She also challenged the sufficiency and credibility of the evidence in the 2004 case and the justice court's rulings and refusals to rule in that case, argued there was jury

¹ At the time the animals were seized, Chapter 821 authorized an appeal "to a county court or county court at law in which the justice or municipal court is located" but only if the justice court ordered the animals sold at public auction. See *Chambers v. Perry*, No. 05-09-00407-CV, 2010 WL 1052909, at *1 & n1 (Tex. App.—Dallas Mar. 24, 2010, pet. disp'd w.o.j.). Chambers appealed to the district court, not the county court; and her animals were given to the SPCA, not ordered sold at public auction. See *Chambers v. Justice Court Precinct One*, 195 S.W.3d 874, 875 (Tex. App.—Dallas 2006, pet. disp'd w.o.j.). Consequently, Chambers had no right to appeal the justice court jury verdict, and we so held in the first appeal related to this 2004 seizure. *Id.*

misconduct in that case, alleged bribery allegations against the district attorney in that case, and complained about this Court's and other courts' refusals to rule on her actions for declaratory judgment. *Id.* at *2. We said that many of her allegations appeared to be based on her erroneous assumption that the 2004 judgment was a finding that she was guilty of the crime of cruelty to animals, but we noted that she had not been charged with a crime. *Id.* at *3. We concluded that many of her claims were collateral attacks not permitted by law, some had been raised and decided against her in previous appeals, and the justice court had jurisdiction over the 2004 case. *Id.* at *2–4. We affirmed the district court's judgment. *Id.* at *4.

In 2012, Chambers sued the State in Kaufman County district court alleging a takings claim and seeking declarations that her constitutional rights were violated in the 2004 case, the justice court lacked jurisdiction in the 2004 case, and the 2004 judgment was void. The State filed a plea to the jurisdiction asserting sovereign immunity, res judicata, and statute of limitations. The trial court granted the plea. Chambers moved for new trial, which the trial court denied. She appealed to this Court. *Chambers v. State*, No. 05-12-01178-CV, 2013 WL 4568380 (Tex. App.—Dallas Aug. 26, 2013, pet. denied). We concluded that Chambers had not established a valid takings claim, the State had not waived sovereign immunity, and all of Chambers' requests for declaratory relief were “merely a recast of her takings claim for which immunity has not been waived.” *Id.* at *4–5.

In 2015, Chambers filed this lawsuit. She sued the State in Kaufman County district court for malicious prosecution arising from the 2004 case, alleged the 2004 judgment was void because the justice court lacked jurisdiction, and sought an order of dismissal of the 2004 case and declarations that the taxes she paid over the years were misused to secure civil forfeiture of private property. She stated in her amended petition that she “is now only seeking to have the 2004 judgment declared void because the justice of the peace trial court lacked competent

subject matter jurisdiction to render any judgment on the merits of the State’s 2004 civil forfeiture cause of action” The State filed a plea to the jurisdiction asserting its sovereign immunity had not been waived, limitations, res judicata, and collateral estoppel. The State alleged that all of Chambers’ claims had been decided against her previously by multiple courts and, as a result, her claims were barred. The trial court granted the State’s plea and dismissed the claims with prejudice. Chambers appealed to this Court.

In this appeal, Chambers raises 30 issues in 17 single-spaced pages.² Although Chambers framed her lawsuit as one for malicious prosecution, she argued that the State waived sovereign immunity to her lawsuit when it filed the 2004 civil lawsuit against her. This issue has been resolved against Chambers in a prior appeal. *See Chambers*, 261 S.W.3d at 757–58 (“Appellant argued that the State waived its immunity to her lawsuit by filing the [2004 case] in justice court.”). Additionally, the theme throughout Chambers’ 30 issues and 120-page appellate brief is that the 2004 judgment is void because the justice court lacked jurisdiction to hear the case, the provisions of Chapter 821 are unconstitutional, and her constitutional rights were violated. Indeed, Chambers argues that no court of competent jurisdiction has decided her issues. But all of Chambers’ issues have been decided against her in the prior appeals, and we will not entertain them again in this appeal. *See, e.g., Chambers*, 2013 WL 4568380, at *1–6; *Chambers*, 2010 WL 2052909 at *1–4; *Chambers*, 261 S.W.3d 756–59, *Chambers*, 195 S.W.3d at 875. None of the 30 issues in this appeal asserts any new basis for concluding that the 2004 judgment is void, and we decline to revisit those issues.

Chambers states in her appellate briefing to this Court that if we do not address these issues, then she

² At least nineteen of those issues are not proper issues on appeal because they ask us to certify questions to the Supreme Court of Texas or seek advisory opinions.

will dutifully file another collateral attack upon the 2004 Judgment and will dutifully file for a declaration of ALL of her due process of law constitutional rights under ALL the health and safety code 821 statutes and will dutifully file for the District Court to Certify the questions on the due process of law constitutionality of the 821 statutes to the Texas Supreme Court and will still re-file a Malicious Civil Prosecution Claim against the State of Texas because no court has accepted jurisdiction to hear or render any judgment on this Petitioner's Malicious Civil Prosecution Claim [T]his Petitioner has the tenacity to continue pursuing justice and her fundamental inalienable rights and is not going to give up until the Texas Supreme Court and then if necessary the United States Supreme Court address whether this Petitioner's State and Federal Fundamental Due Process of Law Rights were violated by the State of Texas Judiciary in 2004 since the State failed to state a valid civil claim for the relief the State sought in 2004

We have held that the 2004 judgment is not void, that the justice court properly exercised jurisdiction over the civil lawsuit, that Chapter 821 specifically gave the justice court jurisdiction to hear the 2004 case, and that Chambers' other arguments were not proper because they collaterally attacked the judgment, which is not permitted by law. We now caution Chambers that because we have decided all of these issues adversely to her and the 2004 judgment is final, future appeals from new lawsuits against the State or others involving these same issues will be met with disfavor and subject her to sanctions as the Court deems appropriate.

We resolve Chambers' issues against her and affirm the trial court's judgment.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

MARSHA CHAMBERS, Appellant

No. 05-15-00990-CV V.

STATE OF TEXAS, Appellee

On Appeal from the 422nd Judicial District
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Opinion delivered by Justice Lang-Miers.

Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that appellee State of Texas recover its costs of this appeal from appellant Marsha Chambers.

Judgment entered this 27th day of July, 2016.