

Affirmed and Memorandum Opinion filed August 15, 2023.



In The

Fourteenth Court of Appeals

NO. 14-22-00350-CV

MICHAEL PALMA, Appellant

V.

GENERAL LAND OFFICE OF TEXAS, GEORGE P. BUSH, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE GENERAL LAND OFFICE, CANDLELIGHT OAKS VILLAGE MAINTENANCE FUND, INC., AND GENESIS COMMUNITY MANAGEMENT, INC., Appellees

**On Appeal from the 113th District Court
Harris County, Texas
Trial Court Cause No. 2021-60390**

MEMORANDUM OPINION

The plaintiff appeals from (1) an order granting a Rule 91a motion to dismiss filed by two defendants, and (2) an order of the trial court granting a plea to the jurisdiction filed by the other defendants. As to each order, the plaintiff has not challenged all the independent grounds for the trial court's ruling, and therefore has not shown that the trial court erred. We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

Appellant Michael Palma, acting pro se, filed suit against appellees General Land Office of Texas and George P. Bush, in his official capacity as Commissioner of the General Land Office (collectively the “GLO Parties”) and against appellees Candlelight Oaks Village Maintenance Fund, Inc., and Genesis Community Management, Inc. (collectively the “Candlelight Parties”). Palma contends that charging homeowners’ association fees violates his constitutional rights and tortiously interferes with the 1848 patent by which his predecessor-in-title acquired the property in question from the State of Texas. Palma sought money damages and declaratory and injunctive relief.

The Candlelight Parties filed a motion to dismiss Palma’s claims against them under Texas Rule of Civil Procedure 91a. The trial court granted the motion, dismissed Palma’s claims against the Candlelight Parties with prejudice, and awarded the Candlelight Parties \$1,000 in costs and attorney’s fees. The GLO Parties filed a plea to the jurisdiction. The trial court granted the plea to the jurisdiction and dismissed Palma’s claims against the GLO Parties with prejudice, thus disposing of all claims and all parties. Palma has timely appealed.¹

¹ This is not the first time Palma has challenged the collection of property taxes or homeowners’ association fees. *See, e.g., Palma v. Harris Cnty. Appraisal Dist.*, No. 21-20402, 2021 WL 8566012, at *1 (5th Cir. Dec. 6, 2021) (dismissing appeal as frivolous); *Palma v. Texas*, No. 4:21-cv-01210, 2021 WL 5040415, at *1–3 (S.D. Tex. Oct. 22, 2021) (dismissing for lack of subject-matter jurisdiction); *Palma v. Texas*, No. H-18-cv-4561, 2019 WL 2524933, at *1–2 (S.D. Tex. April 3, 2019), *adopted*, 2019 WL 2524921; *Palma v. Luker*, No. H-18-0335, 2019 WL 1330332, at *1–4 (S.D. Tex. March 25, 2019); *Palma v. Genesis Cmty. Mgmt., Inc.*, No. H-18-124, 2018 WL 2289341, at *1 (S.D. Tex. May 18, 2018) (dismissing Palma’s suit with prejudice); *In re Palma*, No. 01-19-00471-CV, 2019 WL 3293691, at *1 (Tex. App.—Houston [1st Dist.] Jul. 23, 2019, orig. proceeding) (mem. op.); *Palma v. Harris Cnty. Appraisal Review Bd.*, No. 01-17-00705-CV, 2018 WL 3355052, at *1–2 (Tex. App.—Houston [1st Dist.] Jul. 10, 2018, pet. denied); *Palma v. Harris Cnty. Appraisal Dist.*, No. 01-17-00502-CV, 2018 WL 1473792, at *1–2 (Tex. App.—Houston [1st Dist.] Mar. 27, 2018, pet. denied); *In re Palma*, No. 01-12-00631-CV, 2012 WL 3135672, at *1 (Tex. App.—Houston [1st Dist.] Aug. 2, 2012, orig.

II. ISSUES AND ANALYSIS

A. Has Palma challenged each of the independent grounds asserted in the Candlelight Parties' Rule 91a motion?

The trial court granted the Candlelight Parties' Rule 91a motion without specifying any ground on which it was relying. Therefore, the trial court impliedly granted the Rule 91a motion on all grounds asserted in the motion, and Palma must challenge every independent ground in the motion. *See Emmanuel v. Izoukumor*, 611 S.W.3d 453, 458 (Tex. App.—Houston [14th Dist.] 2020, no pet.); *In re Estate of Savana*, 529 S.W.3d 587, 592 (Tex. App.—Houston [14th Dist.] 2017, no pet.). The Candlelight Parties asserted various independent grounds, including the ground that Palma lacks standing to assert his claims against the Candlelight Parties. In his appellate brief, Palma, acting pro se, does not use the word “standing,” nor does he make any argument that reasonably may be considered as attacking the lack-of-standing ground. Even construing Palma’s appellate brief liberally, we cannot conclude that he has briefed a challenge to the lack-of-standing ground, and thus Palma has not challenged each of the independent grounds on which the trial court impliedly granted the Rule 91a motion. *See Emmanuel*, 611 S.W.3d at 458; *Slack v. Consulate of Greece*, No. 14-18-00469-CV, 2020 WL 3528101, at *9 (Tex. App.—Houston [14th Dist.] Jun, 30, 2020, no pet. (mem. op.)). Therefore, Palma has not shown that the trial court erred in granting the Candlelight Parties' Rule 91a motion, and we must affirm this ruling. *See Emmanuel*, 611 S.W.3d at 458; *Slack*, 2020 WL 3528101, at *9.

B. Has Palma challenged each of the independent grounds asserted in the GLO Parties' plea to the jurisdiction?

The trial court granted the GLO Parties' plea to the jurisdiction without

proceeding); *In re Palma*, No. 14-05-01221-CV, 2005 WL 3435256, at *1 (Tex. App.—Houston [14th Dist.] Dec. 15, 2005, orig. proceeding) (mem. op.).

specifying any ground on which it was relying. Therefore, the trial court impliedly granted the plea to the jurisdiction on all grounds asserted in the plea, and Palma must challenge every independent ground in the plea. *See Stamos v. Houston Indep. Sch. Dist.*, No. 14-18-00340-CV, 2020 WL 1528047, at *3 (Tex. App.—Houston [14th Dist.] Mar. 31, 2020, no pet.) (mem. op.). Just as was the case with the Rule 91a motion to dismiss filed by the Candlelight Parties, one of the grounds that the GLO Parties asserted in their plea to the jurisdiction was that Palma lacks standing to assert his claims against the GLO Parties. In his appellate brief, Palma does not use the word “standing,” nor does he make any argument that reasonably may be considered as attacking the lack-of-standing ground. Even construing Palma’s appellate brief liberally, we cannot conclude that he has briefed a challenge to the lack-of-standing ground, and thus Palma has not challenged each of the independent grounds on which the trial court impliedly granted the GLO Parties’ plea to the jurisdiction. *See id.* Palma has not shown that the trial court erred in granting the plea to the jurisdiction, and we must affirm this ruling. *See id.*

III. CONCLUSION

Though Palma asks this court to reverse the trial court’s orders granting the Candlelight Parties’ Rule 91a motion and the GLO Parties’ plea to the jurisdiction, Palma has not challenged all the grounds on which the trial court impliedly based each of these rulings. Because Palma has not shown that the trial court erred, we overrule Palma’s sole issue and affirm the trial court’s judgment.

/s/ Randy Wilson
Justice

Panel consists of Chief Justice Christopher and Justices Bourliot and Wilson.