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Carin Carroll
District Clerk
Titus County, Texas
LaKeitra Brooks

CAUSE NO. 44437

KYLE DOUGLAS MORING,	§	**IN THE DISTRICT COURT OF**
Petitioner,	§	
	§	
v.	§	**TITUS COUNTY, TEXAS**
	§	
CITY OF MOUNT PLEASANT, TEXAS,	§	
Respondent.	§	**76th JUDICIAL DISTRICT**

PETITIONER'S LIMITED RESPONSE TO RESPONDENT'S BRIEF REGARDING THE TEXAS PUBLIC INFORMATION ACT

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner Kyle Douglas Moring, appearing pro se, respectfully files this limited response to Respondent's Brief Regarding the Texas Public Information Act. Respondent electronically submitted and served its brief at 7:14 p.m. on Sunday, August 9, 2026, less than fourteen hours before the August 10 hearing. Petitioner does not seek exclusion of the legal brief based on timing and offers no new evidence or exhibits through this Response.

I. THE PLEADED CLAIMS FALL WITHIN SECTION 552.321

Petitioner does not dispute the narrow legal limits Respondent identifies: Section 552.321 does not authorize relief for delay in the abstract, a standalone dispute over charges, prospective supervision of requests not yet made, or creation of information that does not exist. Those are not the claims pleaded here. The First Amended Petition expressly limits this action to the City and to the independent requestor remedy under Section 552.321. First Am. Pet. ¶¶ 14, 17, 36–38.

Paragraph 38 pleads, for each count, a written request for existing public information; City possession, custody, control, or temporary-custodian access; an alleged failure or refusal to supply all responsive nonexempt information or request the required Attorney General decision; and request-specific relief. The thirteen already-made requests and their factual grounds are pleaded in paragraphs 40 through 100. Whether Petitioner proves those allegations is a merits and evidentiary question; the allegations affirmatively invoke Section 552.321(a).

Petitioner seeks no Section 552.3215 claim, no review of enforcement discretion, and no freestanding ruling on administrative costs. First Am. Pet. ¶¶ 14, 17, 37, 101, 113. Later matters are not additional claims. The relief in paragraph 114 is requested only as count-specific relief concerning Counts I through XIII and not as generalized supervision of the City's records program.

Nor are the pleaded claims based on delay alone: the petition alleges that the City expressly closed requests or issued a completeness certification after limited productions while specified responsive categories remained unresolved. First Am. Pet. ¶¶ 59–61, 63–65, 67–68, 87–88, 91–92, 94–96, 99–100.

II. RESPONDENT'S BRIEF IS LEGAL ARGUMENT, NOT COUNT-SPECIFIC PROOF

A pleadings-based jurisdictional challenge requires the Court to construe the petition liberally in the pleader's favor and determine whether the alleged facts affirmatively demonstrate jurisdiction. *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226–27 (Tex. 2004). If jurisdictional facts overlapping the merits are challenged with evidence, the ordinary fact-issue analysis applies. *Id.* at 227–28.

Respondent's five-page brief attaches no affidavit, declaration, exhibit, request-specific search evidence, production accounting, or sworn no-records statement. It identifies no count as fully produced or moot. Respondent's filing is styled as a brief, not a plea or motion, and its conclusion requests neither dismissal nor any other relief. Resp't Br. at 4. Counsel's argument and the City's general denial do not themselves prove production, nonexistence, search completeness, privilege, or mootness. See *Laidlaw Waste Systems (Dallas), Inc. v. City of Wilmer*, 904 S.W.2d 656, 660 (Tex. 1995). Respondent states the same governing rule: "if evidence is introduced which raises a fact question regarding the statutory prerequisites, then a factfinder should resolve the fact issue." Resp't Br. at 4 (citing *Texas Tech University v. Dolcefino Communications, LLC*, 565 S.W.3d 442, 445 (Tex. App.—Amarillo 2018, no pet.)). *Dolcefino* further explains that "a movant in a plea to the jurisdiction must assert and support with evidence the trial court's lack of subject matter jurisdiction." *Dolcefino*, 565 S.W.3d at 448. Petitioner recognizes that subject-matter jurisdiction cannot be conferred by waiver; he asks only that any factual disposition rest on competent, request-specific proof.

III. RESPONDENT'S AUTHORITIES DO NOT SUPPORT A BLANKET DISPOSITION

In the first appeal in the same litigation, the court affirmed the denial of a pleadings-based plea because the requestor had adequately pleaded a Section 552.321 claim. *City of Odessa v. AIM Media Texas, LLC*, No. 11-20-00229-CV, 2021 WL 1918968, at *3 (Tex. App.—Eastland May 13, 2021, no pet.) (mem. op.). In the later published appeal, *AIM Media Texas, LLC v. City of Odessa*, the identified records had been produced, leaving a request for prospective relief concerning future delays. 663 S.W.3d 324, 327–34 (Tex. App.—Eastland 2023, pet. denied). Petitioner seeks no such relief. *Kallinen v. City of Houston* involved a city that had produced many documents while withholding others and held that the requestor

could proceed under Section 552.321 without awaiting the Attorney General's decision. 462 S.W.3d 25, 27–30 (Tex. 2015) (per curiam). Production moots a claim only to the extent complete relief has actually been provided; partial production does not moot a dispute over responsive information still withheld. *Muir v. University of Texas at Austin*, No. 03-22-00196-CV, 2023 WL 4110843, at *6 (Tex. App.—Austin June 22, 2023, no pet.) (mem. op.).

In *Texas Tech University v. Dolcefino Communications, LLC*, the governmental body supported its jurisdictional position with authenticated responses and affidavit evidence, and the requestor did not controvert that proof. 565 S.W.3d 442, 448–49 (Tex. App.—Amarillo 2018, no pet.). This brief supplies no comparable proof. Count IX also is not a dispute over an unaccepted estimate: Petitioner accepted the estimate and paid the City $234. Pet'r Decl. ¶ 14; Filed Vol. 1, Ex. I, PDF p. 264. Petitioner agrees that no order should compel creation or production of a record that competent evidence establishes does not exist.

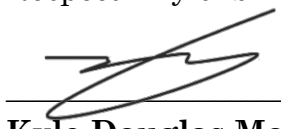
Paxton v. American Oversight confirms that Section 552.321 provides mandamus subject to traditional limits. 716 S.W.3d 535, 540–41 (Tex. 2025). Its jurisdictional holding concerned mandamus against constitutional executive officers, not a municipality. Petitioner asks only that the City make existing, nonexempt public information available and that any related relief remain within the request-specific prayer already pleaded. Respondent's opening quotation from *Texas Commission on Environmental Quality v. Paxton* appears in Justice Busby's dissent rather than the majority. See No. 23-0244, slip op. at 1–2 (Tex. Apr. 17, 2026) (Busby, J., dissenting). Petitioner nevertheless does not dispute the general description of the Act's prompt-production and Attorney General-decision duties.

IV. REQUESTED DISPOSITION

Petitioner respectfully asks the Court to treat Respondent's submission as legal argument, not factual proof; determine jurisdiction and mootness count by count and only to the extent supported by the pleadings and competent evidence; and grant only the narrow, request-specific relief authorized by Section 552.321 and pleaded in paragraph 114. Petitioner does not ask the Court to presume every requested item exists, direct future compliance concerning unmade requests, select the City's technology or vendor, or compel information the City proves is privileged or otherwise lawfully withheld.

If the Court treats Respondent's brief as a dispositive plea or identifies a pleading defect that can be cured, Petitioner requests a meaningful opportunity to respond and leave to amend rather than dismissal without that opportunity. See *Miranda*, 133 S.W.3d at 226–27. Petitioner further requests all relief to which he is entitled within the First Amended Petition's existing prayer.

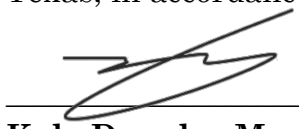
Respectfully submitted,



Kyle Douglas Moring
Petitioner, Pro Se
[redacted]

CERTIFICATE OF SERVICE

I certify that on August 9, 2026, a true and correct copy of this Limited Response was served electronically through the electronic filing manager on all counsel and service contacts of record for Respondent City of Mount Pleasant, Texas, in accordance with Texas Rules of Civil Procedure 21 and 21a.



Kyle Douglas Moring

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