

CAUSE NO. _____

STATE OF TEXAS,
Plaintiff,

IN THE DISTRICT COURT

v.

GALVESTON INDEPENDENT
SCHOOL DISTRICT, ANTHONY
BROWN, in his official capacity as
GALVESTON ISD President, JOHNNY
SMECCA, in his official capacity as
GALVESTON ISD Vice President,
ELIZABETH BEETON, in her official
capacity as GALVESTON ISD Trustee,
DAVID H. O'NEAL, JR. in his official
capacity as GALVESTON ISD Trustee,
ANN MASEL, in her official capacity as
GALVESTON ISD Trustee, MINDY
LAKIN, in her official capacity as
GALVESTON ISD Trustee, and JUSTIN
TUCKER, in his official capacity as
GALVESTON ISD Trustee,
Defendants.

_____ JUDICIAL DISTRICT

GALVESTON COUNTY, TEXAS

STATE OF TEXAS' ORIGINAL PETITION
AND APPLICATION FOR INJUNCTIVE RELIEF

The State of Texas seeks injunctive relief against Galveston Independent School District and the members of its Board of Trustees (collectively, "Defendants") due to their open refusal to comply with Texas law, namely Texas Senate Bill 10 ("S.B. 10").

With overwhelming legislative support, Governor Abbott signed S.B. 10 into law on June 20, 2025, becoming effective on September 1, 2025. Senate Journal 3862, 89th Leg. R.S. (2025). S.B. 10 requires any public or secondary school to display the Ten Commandments in each classroom. Notably, S.B. 10 requires public schools to display the same version of the Ten Commandments previously declared constitutional by the United States Supreme Court. *See Van Orden v. Perry*, 545 U.S. 677 (2005). While no school is required to purchase any posters or copies

of the Ten Commandments to display, schools must accept any offers of privately donated posters or copies that meet the requirements of S.B. 10.

On September 1, 2025, S.B. 10 became effective in the State of Texas. TEX. EDUC. CODE § 1.0041. After the effective date, Texas State Senator Mayes Middleton donated displays of the Ten Commandments which complied with the requirements of S.B. 10 to Galveston ISD. Upon receipt of the donation from Sen. Middleton, Galveston ISD was required to display the Ten Commandments in the public schools which they administer. Despite knowing they were now legally required to display the Ten Commandments in all classrooms, the Trustees of Galveston ISD voted on October 22, 2025, to flout S.B. 10 and refused, and continue to refuse, to display the Ten Commandments in accordance with State law.

I. DISCOVERY LEVEL

1. Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, the State of Texas, is a state of the United States of America and a sovereign entity that “has an intrinsic right to enact, interpret, and enforce its own laws.”¹ Injuries to this right are sufficient to create standing to sue and show irreparable harm.²
3. Defendant Galveston ISD is a political subdivision of the State of Texas and administers public schools in Galveston County, Texas.

¹ *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015).

² See, e.g., *Valentine v. Collier*, 956 F.3d 797, 803 (5th Cir. 2020); *Texas v. EEOC*, 933 F.3d 433, 447 (5th Cir. 2019); *Texas Ass’n of Bus. v. City of Austin, Texas*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied).

4. Defendant Anthony Brown is the President of Galveston ISD and a member of the Board of Trustees of Galveston ISD.
5. Defendant Johnny Smecca is the Vice President of Galveston ISD and a member of the Board of Trustees of Galveston ISD.
6. Defendant Elizabeth Beeton is a member of the Board of Trustees of Galveston ISD.
7. Defendant David H. O'Neal, Jr. is a member of the Board of Trustees of Galveston ISD.
8. Defendant Ann Masel is a member of the Board of Trustees of Galveston ISD.
9. Defendant Mindy Lakin is a member of the Board of Trustees of Galveston ISD.
10. Defendant Justin Tucker is a member of the Board of Trustees of Galveston ISD.

III. JURISDICTION & VENUE

11. This Court has subject matter jurisdiction over the claims asserted herein pursuant to Article V, § 8 of the Texas Constitution; Section 24.007 of the Texas Government Code; Sections 37.001 and 37.003 of the Texas Uniform Declaratory Judgments Act; and Section 65.021 of the Texas Civil Practice and Remedies Code.
12. All of the events giving rise to this lawsuit occurred in Galveston County, Texas and the residence or principal office of all Defendants is in Galveston County, Texas. Accordingly, venue is proper in this Court pursuant to Texas Civil Practice and Remedies Code §§ 15.002(a)(1), (a)(2), and (a)(3).

IV. BACKGROUND

A. S.B. 10 requires Defendants to display the Ten Commandments in Galveston ISD classrooms.

13. S.B. 10 is the law in Texas. The law requires public elementary or secondary schools to “accept any offer of a privately donated poster or framed copy of the Ten Commandments” provided that the poster or copy meet certain specifications. TEX. EDUC. CODE ANN. § 1.0041.
14. Upon accepting the poster or copy, the public or elementary school must “display in a conspicuous place in each classroom of the school” durable posters or framed copies of the Ten Commandments received by the public or elementary school. *Id.*

B. Defendant Galveston ISD received copies of the Ten Commandments, but the Galveston ISD Trustees voted to defy S.B. 10 and not display them.

15. After S.B. 10 became effective law, State Senator Mayes Middleton donated displays of the Ten Commandments to Galveston ISD. Senator Middleton noted that the law was not optional, and that Galveston ISD was legally required to display them. This opinion was not Senator Middleton’s alone. The Galveston ISD Trustees subsequently held a meeting in which, after discussing the matter, they held a vote on whether or not to obey the law. At this meeting, one of the Board members expressed the opinion that while she did not personally agree with S.B. 10, “[p]art of the obligation in accepting this position as a school board member was a promise to follow the law,” and that she was therefore “forced to make the legal decision” in voting to comply with S.B. 10 and display the Ten Commandments.
16. Unfortunately, the majority of the Galveston ISD Trustees did not vote in favor of the legal decision. Despite having been informed of the requirements of S.B. 10 and that it was the law in Texas, the Galveston ISD Trustees voted to indefinitely delay displaying the Ten

Commandments in Galveston ISD classrooms. Despite full knowledge of S.B. 10 and its requirements, The Galveston ISD Trustees voted to openly defy State law.³

17. The State of Texas asks this Court for injunctive relief requiring the Defendants to obey the law in Texas, namely S.B. 10.

V. CAUSE OF ACTION

18. Pursuant to the *ultra vires* doctrine and the Texas Declaratory Judgments Act, the State of Texas alleges the following cause of action against Defendants:

19. Public elementary or secondary schools are required to “accept any offer of a privately donated poster or framed copy of the Ten Commandments” meeting certain specifications and to “display a conspicuous place in each classroom of the school” durable posters or framed copies of the Ten Commandments they received. TEX. EDUC. CODE ANN. § 1.0041.

20. Defendant Galveston ISD, an independent school district and unit of the State of Texas, received displays of the Ten Commandments from Senator Middleton. After a discussion in which it was acknowledged that S.B. 10 was the law in Texas and that a failure to display the Ten Commandments would violate the law, the Galveston ISD Trustees voted to reject State law and have, to date, refused to display the donated posters of the Ten Commandments.

21. Galveston ISD Trustee Beeton made the motion to defy State law based on the injunction issued by Hon. Fred Biery in *Nathan, et al. v. Alamo Heights Ind. Sch. Dist., et al.*, No. SA-25-cv-00756, 2025 WL 2417589 (W.D. Tex. Aug. 20, 2025). However, Galveston ISD was neither a party to the litigation nor enjoined by any order issued in the *Nathan* case. Furthermore, the

³ ‘Between a rock and a hard place’: Galveston ISD school board votes against Ten Commandments display, <https://www.houstonchronicle.com/news/houston-texas/religion/article/Galveston-ten-commandments-schools-21116350.php> (last visited November 4, 2025)

opinion issued by Hon. Biery is subject to en banc consideration by the Fifth Circuit. *See Nathan v. Alamo Heights Ind. Sch. Dist.*, 2025 WL 3018244 (5th Cir. Oct. 28, 2025) (per curiam).

22. Defendants are openly violating the law in Texas. In order to prevent irreparable harm to the State of Texas's interests and to bring Defendants back into the bounds of the law, the State of Texas requests temporary and permanent injunctive relief from this Court.

**VI. APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**

23. The State of Texas requests an expedited setting on its applications for a temporary injunction, given the urgency of defending its sovereign and intrinsic right to enact, interpret, and enforce its own laws and to bring into compliance with the law parties who, like Defendants, openly flout the law.
24. A temporary restraining order serves to provide emergency relief and to preserve the status quo until a hearing may be held on a temporary injunction.⁴ “A temporary injunction’s purpose is to preserve the status quo of the litigation’s subject matter pending a trial on the merits.”⁵ The applicant must prove three elements to obtain a temporary injunction: (1) a cause of action against the adverse party; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.⁶ These requirements are readily met here.

⁴ *Texas Aeronautics Comm’n v. Betts*, 469 S.W.2d 394, 398 (Tex. 1971).

⁵ *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

⁶ *Id.*

A. The State is Likely to Succeed on the Merits.

25. The State is likely to succeed on the causes of action described above. Texas, as a sovereign entity, “has an intrinsic right to enact, interpret, and enforce its own laws.”⁷ This includes a right to “reassert the control of the state” and “enforce existing policy” as declared by the Texas Legislature.⁸ Injuries to this right are sufficient to both create standing to sue and show irreparable harm.⁹
26. This interest logically extends to issues concerning the applicability of the State’s laws. The State is “the guardian and protector of all public rights” and has authority to sue to redress any violations of those rights.¹⁰ The State’s interests extend to preventing “an abuse of power by public officers” and to issues concerning the “maintenance and operation of its municipal corporations in accordance with law.”¹¹
27. Defendants received donations of displays of the Ten Commandments which complied with S.B. 10. Defendants administer public schools in Galveston County, Texas and are therefore legally required to display the Ten Commandments under S.B. 10. Defendants were aware of this legal requirement and discussed it prior to their vote. Nevertheless, Defendants voted to indefinitely delay displaying the Ten Commandments. Defendants are openly violating S.B. 10.

⁷ *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015).

⁸ *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

⁹ *See, e.g., Valentine v. Collier*, 956 F.3d 797, 803 (5th Cir. 2020); *Texas v. EEOC*, 933 F.3d 433, 447 (5th Cir. 2019); *Texas Ass’n of Bus. v. City of Austin, Texas*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied).

¹⁰ *Yett v. Cook*, 115 Tex. 205, 219 (1926); *see also Alfred L. Snapp & Son, Inc. v. Puerto Rico ex re. Barez*, 458 U.S. 592, 607 (1982) (“[A] State has a quasi-sovereign interest in the health and wellbeing—both physical and economical—of its residents in general.”).

¹¹ *Yett*, 115 Tex. at 219–20.

28. The State of Texas is likely to succeed on the merits because it has the right to maintain its own laws, which Defendants are aware that they are breaking.

B. The State will be Imminently and Irreparably Injured Absent an Injunction.

29. This litigation implicates important State interests, namely, the sanctity of its laws. Local officials cannot ignore a state law just because they disagree with it; however, that is precisely what the Defendants have done here. Defendants are “forced to make the legal decision,” as was put by one of the Board members who voted to follow the law even though she personally disagreed with it.

30. Defendants’ blatant violation undermines state law and irreparably injures the State.¹² The violation is all the more compounded by the fact that Galveston ISD is a political subdivision of the State of Texas and is openly seeking to undermine the State of Texas’s authority.

31. The Texas Supreme Court has explained that a century’s worth of precedent establishes “the State’s ‘justiciable interest in its sovereign capacity in the maintenance and operation of its municipal corporation in accordance with law.’”¹³ The Court noted that an *ultra vires* suit is a necessary tool to reassert the State’s control over local officials who are misapplying or defying State laws.¹⁴ The Court reasoned: “[This] tool would be useless . . . if the State were required to demonstrate additional, particularized harm arising from a local official’s specific unauthorized actions.”¹⁵

¹² 620 S.W.3d 400, 409–10 (Tex. 2020).

¹³ *Id.* at 410 (quoting *Yett*, 115 Tex. at 842).

¹⁴ *Id.*

¹⁵ *Id.*

32. The Court continued that “[t]he [State] would be impotent to enforce its own laws if it could not temporarily enjoin those breaking them pending trial.”¹⁶ The Court found that, “[w]hen the State files suit to enjoin ultra vires action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction.”¹⁷

33. The State of Texas has an interest that justifies suit, and the State will suffer an irreparable injury absent judicial relief.

C. Defendants will not be injured by an Injunction.

34. By contrast, Defendants will not be injured if this Court enters an order providing for injunctive relief to bring them into compliance with the law.

35. To whatever extent Defendants may be concerned that complying with state law and displaying the Ten Commandments might prompt litigation from third parties, Defendants have not been sued by any such third parties. Moreover, this concern is addressed by S.B. 10 itself, which provides that:

[t]he attorney general shall defend a public elementary or secondary school in a cause of action relating to any claims arising out of a school's compliance with this section. In a cause of action defended by the attorney general under this subsection, the state is liable for the expenses, costs, judgments, or settlements of the claims arising out of the representation . . .

Tex. Educ. Code Ann. § 1.0041(g). Thus, Defendants would not be injured by the prospect of any litigation hypothetically arising from their coming into compliance with the law.

36. To whatever extent Defendants may be concerned that they might hypothetically be subject to a “universal injunction” against displays of the Ten Commandments, no such injunction has

¹⁶ *Id.*

¹⁷ *Id.*

been issued. Moreover, the issuance of such a hypothetical injunction would be precisely the kind of overly broad injunction that the Supreme Court recently repudiated in *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at *8 (U.S. June 27, 2025). As the Supreme Court explained, the court’s equitable authority is limited to “provid[ing] complete relief to each plaintiff with standing to sue.” *Id.*, at *15.

37. The only “injury” that Defendants may incur in coming into compliance with Texas law is that they would have to display the Ten Commandments in Galveston ISD classrooms. This “injury,” if it can be called such, is negligible compared to the injury incurred by the State of Texas in one of its subdivisions openly flouting Texas law.

VII. PRAYER

38. For the reasons discussed above, the State of Texas respectfully prays that this Court:

- A. Grant temporary and permanent injunctions requiring Defendants to comply with S.B. 10 and display the posters or copies of the Ten Commandments that were donated to them in the public schools which they administer;
- B. Declare that Defendants acted unlawfully in indefinitely delaying the display of the Ten Commandments that were donated to them;
- C. Declare that Defendants’ actions in indefinitely delaying the display of the Ten Commandments that were donated to them constitutes an *ultra vires* action;
- D. Award attorney’s fees and costs; and
- E. Award any such further relief that the Court deems just and proper.

Respectfully submitted.

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VERIFICATION

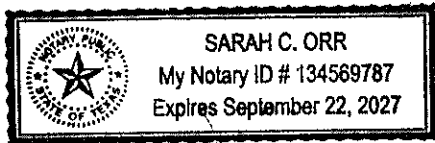
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me, the undersigned notary for the State of Texas, on this day personally appeared William H. Farrell, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

“My name is William H. Farrell. I am over the age of eighteen and otherwise fully capable of making this verification. I have read the foregoing *State of Texas’ Original Petition and Application for Injunctive Relief*, and the facts stated therein are within my personal knowledge and are true and correct.”

/s/ William H. Farrell
William H. Farrell

Sworn to and subscribed before me by William H. Farrell on November 7, 2025.





Notary Public in and for
the State of Texas