

322-744263-23  
IN THE 322<sup>ND</sup> DISTRICT COURT  
OF TARRANT COUNTY, TEXAS

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Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent.

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And In the interest of M.E.M. and  
C.R.M., two children.

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**MOTION TO RECUSE**

**TO THE HONORABLE JUDGE OF THIS COURT:**

COMES NOW, Respondent, CHARLES DUSTIN MYERS, who respectfully submits  
this Motion to Recuse, and in support thereof, shows the Court the following:

**I. INTRODUCTION**

1. There exists no excuse, nor any law or reasoning that could justify the events that have transpired throughout this case. Respondent notes that this is the third recusal motion filed in this matter, making it a tertiary recusal pursuant to Tex. Gov't. Code § 25.00256. The term includes any third or subsequent motion filed in the case by the same party, regardless of whether that motion is filed against a different judge than the judge or judges against whom the previous motions for recusal or disqualification were filed.

2. In practice, and pursuant to the statute, this gives Honorable James Munford the ability to move the case to final disposition as though a tertiary recusal motion had not been filed. However, I urge this court to pay close attention for the forthcoming reasons:

**\*All docket references herein are marked with DKT followed by the corresponding number.**

3. Respondent, on day one, was divested of his property, his children, and his normal place of business. DKT 19.

4. The Petitioner, Morgan Michelle Myers, was allowed to approach this Court, submit facially fraudulent pleadings, and walk away with full custody and sole use of the residency before anything was ever adjudicated. She was permitted to falsify her indigency, claim abuse, and fabricate an emergency when the record before this court has held the truth, and remains unopposed. DKT 1, 3, 5 & 27.

5. The Respondent has provided this Court, the Second Court of Appeals, the Texas Supreme Court, the State Commission on Judicial Conduct, the State Bar of Texas, and the Office of the Attorney General with every possible opportunity to correct this situation, and each body has refused to do so. He has not received one argument, not one explanation, and not one justification for what has transpired. DKT passim.

6. Now, while the reviewer may pause here and claim this motion is meritless, the reality of this situation is that after careful review of the record, the fact pattern of this case, and after receiving not a single response in any of the six appellate cases from any implicated judge on appeal, and with zero sum participation from the other side of the table, the record facially establishes that Honorable James Munford, Honorable Jeff Kaitcer, Court Coordinator Lindsey Baker, opposing attorney Cooper L. Carter, and Petitioner Morgan Michelle Myers, collectively, have exhibited conduct of an enterprise through a pattern of racketeering activity.

7. Accordingly, absent any swift corrective action, Honorable James Munford must recuse himself from this matter, which is supported by the forthcoming facts found in the record:

## II. RECUSAL STANDARDS AND PROCEDURE

8. Texas appellate courts have consistently held that recusal is mandatory—not discretionary—when a judge’s impartiality might reasonably be questioned (*Ex parte Thuesen*, 546 S.W.3d 145 (Tex. Crim. App. 2017)). The test is whether a reasonable member of the public, knowing all the facts, would have a reasonable doubt about the judge’s impartiality (*Rodriguez v. Newton*, NUMBER 13-19-00309-CV (Tex. App. Jul 16, 2020); *In re Moore*, NUMBER 13-19-00551-CV (Tex. App. Oct 30, 2019); *Johnson-Todd v. Morgan*, NO. 09-17-00168-CV, NO. 09-17-00194-CV (Tex. App. Dec 20, 2018); *Kniatt v. State*, 239 S.W.3d 910 (Tex. App. 2007); *Sears v. Nueces County Sherriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000)). This standard is applied regardless of whether actual bias exists; the appearance of bias is sufficient.

9. When a recusal motion is filed, the judge must either recuse themselves or refer the motion to another judge for decision; the challenged judge cannot unilaterally determine the sufficiency of the allegations (*De Leon v. Aguilar*, 127 S.W.3d 1 (Tex. Crim. App. 2004)).

10. A federal lawsuit against a judge, particularly one alleging conspiracy with a party in a RICO action, creates an immediate and substantial conflict of interest that requires the judge’s prompt recusal from presiding over this matter, because the judge’s impartiality would reasonably be questioned under both constitutional and statutory standards. The integrity of the judicial process and the appearance of fairness demand recusal in such circumstances to preserve public confidence and due process, which has already been tainted by these proceedings.

11. The Texas Constitution provides a foundational rule: no judge may preside over a case in which they have an interest, or where there is a connection to the parties by affinity, consanguinity, or prior involvement as counsel (Tex. Const. art. 5 § 11). This constitutional mandate is echoed and elaborated in the Texas Government Code, which requires a judge to

recuse themselves and request assignment of another judge if they are disqualified or should otherwise recuse (Tex. Gov't. Code § 24.002). The Texas Government Code also provides mechanisms for parties to object to a judge's assignment in civil cases, including divorce, and mandates recusal upon timely objection (Tex. Gov't. Code § 74.053).

12. Administrative regulations reinforce these requirements, specifying that a judge is subject to recusal or disqualification on the same grounds as set out in Texas Rule of Civil Procedure 18b, and that motions to recuse must be made promptly and supported by admissible facts (1 Tex. Admin. Code § 155.152).

13. The law is clear that the appearance of impropriety is as damaging as actual impropriety. The Code of Judicial Conduct and the Texas Supreme Court have emphasized that judges must avoid situations where their impartiality might reasonably be questioned, as public confidence in the judiciary depends on the perception of fairness and neutrality (*State v. Volkswagen Aktiengesellschaft*, 692 S.W.3d 467 (Tex. 2022); *In re Moore*, NUMBER 13-19-00551-CV (Tex. App. Oct 30, 2019)).

15. Allegations of conspiracy under RICO are not mere accusations of bias or error; they are claims of criminal conduct and collusion with a party. This elevates the conflict of interest to an extraordinary level, making it virtually impossible for the judge to preside without undermining the legitimacy of the proceedings. The public, and the parties, would have every reason to doubt the judge's impartiality, and the law requires recusal in such circumstances (*Rodriguez v. Cantu (In re Rodriguez)*, NUMBER 13-19-00230-CV, NUMBER 13-19-00254-CV (Tex. App. Jun 25, 2019); *Johnson-Todd v. Morgan*, NO. 09-17-00168-CV, NO. 09-17-00194-CV (Tex. App. Dec 20, 2018)).

16. Absent corrective action, immediate recusal is warranted, supported by the following:

### **III. GROUNDS FOR RECUSAL**

#### **A. WIRE FRAUD**

8. On October 7, 2024, Respondent filed a joint motion to recuse District Judge James Munford and Associate Judge Jeffrey Kaitcer through the electronic filing manager, serving all parties with one hyperlinked document containing all exhibits and notarized affidavits (DKT NO. 227). This recusal was filed in good faith after all appellate efforts were denied without explanation. See Cause No. 24-0395.

9. On October 8, 2024, at 4:43 PM, correspondence was received from Court Coordinator Lindsey Baker regarding an order of referral and ruling letter transmitted by District Judge James Munford to Regional Presiding Judge David L. Evans, declining to recuse himself from this matter (DKT NOS. 228-229). This email contained an unoriginal, modified version of the joint motion to recuse submitted to re:Search Texas by the Respondent, and was missing the exhibits and the affidavit.

10. By CC'ing this email to cooperarter@majadmin.com on October 8, 2024, District Judge James Munford, through his court coordinator, relied on interstate wire communications because majadmin.com can be traced to the IP address 74.208.236.18, which IP Geolocation places in Kansas City, at coordinates 39.0997,-94.5786. Combined with the intentional alteration of the pleading to withhold material exhibits/affidavit to influence the recusal outcome, the transmission constitutes wire fraud under 18 U.S.C. § 1343, thereby supplying a RICO predicate act under 18 U.S.C. § 1961(1), committed by both Lindsey Baker and District Judge James Munford. At minimum, these facts plausibly allege the interstate-wire and fraud elements of this claim are supported by admissible evidence, that if true, would warrant his immediate recusal, and no further involvement from the Court Coordinator absent any swift corrective action.

## **B. WIRE FRAUD – COUNT TWO**

11. On October 10, 2024, court coordinator Lindsey Baker transmitted an “Amended Order of Referral” at 11:17 AM and a second judge’s ruling letter. (DKT 232, 233) This transmission relied on the same interstate wires mentioned above.

12. The original motion was once again modified, this time split into three separate files “due to the size of the motion” which was well under the 35mb limit allotted from the efile Texas platform, with hyperlinks removed, affecting its’ readability.

13. When Respondent pointed these issues out, Baker confirmed the pleading had been e-filed and the full document was in the court's possession (DKT NOS. 230-231 see Exhibits) showing that there was no plausible reason to modify them.

## **C. FAILURE TO FOLLOW MANDATORY RECUSAL PROCEDURES**

14. The primary legislative and regulatory authorities governing the handling of recusal motions in Texas are Texas Rule of Civil Procedure 18a and various provisions of the Texas Government Code, including sections 25.00256, 29.055, and 74.059(c)(3).

15. Texas Rule of Civil Procedure 18a sets out the exclusive procedure for recusal or disqualification of judges in civil cases. Upon the filing of a recusal motion, the rule requires the respondent judge, within three business days, to either recuse themselves or refer the motion to the regional presiding judge. The rule further mandates that the judge must take no further action in the case until the motion is resolved, except for good cause stated in writing or on the record.

16. Texas Government Code § 25.00256 (and related provisions such as § 29.055 and § 74.059(c)(3)) reinforce these requirements, specifying that the judge must forward the motion and all related documents in their original form or as certified copies to the presiding judge, and may not take further action in the case until the recusal motion is resolved.

17. Here, modified versions were transmitted, notably missing critical elements such as the notarized affidavit and exhibits showing a long list of misconduct that remains unaddressed to this day. Notwithstanding the federal allegations above, there is a continuous pattern showing that the law is being willfully disregarded by these individuals, and enabled by the Regional Presiding Judge, who has permitted rulings on non-existent motions, and the continued involvement of Baker despite clear ambiguities surrounding the prior two recusal proceedings.

18. Texas Rule of Civil Procedure 18a and Texas Government Code § 29.055 both require the forwarding of the motion and all related documents in their original or certified form. The use of the term “all” and the requirement for original or certified copies preclude any alteration, omission, or selective transmission. This is further reinforced by case law, which consistently holds that the judge’s only permissible actions are recusal or referral, and that any other action—including any manipulation of the motion or its exhibits—is outside the scope of the judge’s authority (*In re Gold*, 04-25-00085-CV (Tex. App. May 07, 2025); *In re Norman*, 191 S.W.3d 858 (Tex. App. 2006); *Carson v. Gomez*, 841 S.W.2d 491 (Tex. App. 1992)).

#### **IV. ETHICS**

19. The ethical consequences of the allegations are significant. The Texas Code of Judicial Conduct requires judges to comply with the law and maintain professional competence. In *In re Inquiry Concerning Honorable Bonnie Rangel* (677 S.W.3d 918, Tex. 2023), the Texas Supreme Court publicly admonished a judge for filing a response to a recusal motion, which is expressly prohibited by Rule 18a. The Court found that this single act demonstrated a lack of competence in the law and a failure to comply with legal requirements, violating Canons 2A and 3B(2).

20. By analogy, in this case, a staff member who serves at the pleasure of the Judge facing recusal was permitted to transmit non-original copies a government document through the use of interstate wires when the law clearly prohibits such behavior.

21. Furthermore, these actions are not isolated but build upon a growing pattern of misconduct in furtherance of a broader scheme initiated by Petitioner Morgan Michelle Myers.

## **V. PURSUIT OF FEDERAL CLAIMS**

22. The actions alleged herein are part of a larger, broader scheme to defraud the Respondent of his business and property, and this Recusal serves as both a notice to any individual reading this brief that the law is not optional. Whether a judge, an attorney, a clerk, or a coordinator – the law is not below you.

23. In this case, several individuals have chosen to disregard the law, put their political interests and bias before the Children and laws of this State, and have inadvertently assisted the Petitioner, Morgan Michelle Myers, in an elaborate scheme to defraud the Respondent of business and property of which affects interstate commerce currently being litigated in the Western District of Oklahoma.

## **VI. CONCLUSION**

24. For these reasons, Judge James Munford should be immediately recused, or in the alternative, correct the mistakes that have remained unaddressed for two years and remain unopposed on the face of the record.

25. The record is clear: this is a one sided case, with a one sided outcome, and despite having every reason to correct the errors in the face of no opposition, this Court has chosen to disregard the law, ethical standards, and has committed several predicate acts in the process which will be outlined in more detail if the subsequent federal action must be brought.



26. Nevertheless, the facts plead herein support recusal, as any member of the public knowing all of the facts of this case would clearly doubt it was conducted in an impartial manner.

## **VI. PRAYER**

WHEREFORE, all premises considered, Respondent prays that the court:

1. Grant this motion to recuse, or in the alternative, provide corrective action to remedy the injustice faced by the Respondent;
2. Prevent any involvement from Court Coordinator Lindsey Baker;
3. Provide any further relief that this Court deems equitable and just based on these extraordinary and unjust circumstances;

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

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817-546-3693

**AFFIDAVIT OF CHARLES DUSTIN MYERS  
COUNTY OF TARRANT**

BEFORE ME, the undersigned authority, on this day Charles Dustin Myers personally appeared, who, being by me duly sworn, deposed as follows:

1. My name is Charles Dustin Myers. I am over the age of eighteen, of sound mind, and competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct.
2. On October 7, 2024, I filed a joint motion to recuse District Judge James Munford and Associate Judge Jeffrey Kaitcer through the electronic filing manager, serving all parties with a single document containing all exhibits and a notarized affidavit.
3. On October 8, 2024, I received correspondence from Court Coordinator Lindsey Baker regarding an order of referral and ruling letter transmitted by Judge Munford to Regional Presiding Judge David L. Evans. The email contained a modified version of my joint motion to recuse, which was missing the exhibits and affidavit that I had originally submitted.
4. On October 10, 2024, Ms. Baker transmitted an “Amended Order of Referral” and a second judge’s ruling letter. The original motion was again modified, split into three separate files, and hyperlinks were removed, affecting its readability. The size of the original document was well under the 35MB limit for e-filing.
5. When I raised these issues with Ms. Baker, she confirmed that the full document was in the court’s possession, and there was no plausible reason for the modifications.
6. I believe that these actions, including the alteration and selective transmission of my filings, have affected the integrity of the recusal process and raise reasonable questions about the impartiality of Judge Munford in this case and are based on my personal knowledge and believe, and is supported by admissible evidence on the face of the record.
7. Based on personal knowledge and belief, these actions are part of a larger criminal enterprise including Associate Judge Jeffrey Kaitcer, Court Coordinator Lindsey Baker, Cooper Carter, and Morgan Michelle Myers which will be pursued in Federal Court.

Further affiant sayeth not.

/s/ Charles Dustin Myers  
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### CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, a true and accurate copy of  
this MOTION TO RECUSE has been served on all parties of record through the  
Supreme Court of Texas approved EFM (re:Search Texas) on this 5<sup>th</sup> day of September, 2025.

/s/ Charles Dustin Myers  
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817-546-3693  
PRO-SE

State of Florida  
County of Palm Beach

Sworn to (or affirmed) and subscribed before me by means of online notarization,  
this 09/05/2025 by Charles Dustin Myers.

Online Notary

\_\_\_ Personally Known OR \_\_\_ ☒ Produced Identification

Type of Identification Produced \_\_\_\_\_ DRIVER LICENSE

Notarized remotely online using communication technology via Proof.

*Denn Plummer*



DENNISHA PLUMMER  
Notary Public - State of Florida  
Commission # HH527234  
Expires on May 14, 2028