

# Question

MANDAMUS 1: JUDGE KAITCER 1 NO. 25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County Cause No. 322-744263-23 On Mandamus Review from Cause No. 02-25-00166-CV in the Second District Court of Appeals, Fort Worth, Texas PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested FILED 25-0361 5/1/2025 8:36 AM tex-100310746 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers chuckdustin12@gmail.com Respondent Hon. Jeff Kaitcer Associate Judge 322nd District Court, Tarrant County, Texas LKBaker@tarrantcountytexas.gov Tel.: 817-884-1427 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227 Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Counsel for Real Party in Interest Cooper L. Carter cooperclawson@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; Intervenor - Appellate Level Deterrean Gamble (Bar No. 24062194) Nicole Loya (Bar No. 24082948) Tel: (512) 460-6672 deterrean.gamble@texasattorneygeneral.gov nicole.loya@oag.texas.gov 5500 East Oltorf Austin, Texas 78741 Matthew Deal (Bar No. 24087397) Tel: (512) 460-6132 matthew.deal@texasattorneygeneral.gov 314 West 11th Street Austin, Texas 78701-2112 Intervenor - Trial Court Level Holly Hayes (Bar No. 24110698) CSD-legal914@texasattorneygeneral.gov Tel: 817-459-6878 2001 Beach St Fort Worth, TX 76103-2308 3 TABLE OF CONTENTS Identity of Parties and Counsel..... 2 Table of Contents..... 3 Index of Authorities ..... 4 Statement of the Case..... 5 Statement of Jurisdiction..... 6 Issues Presented ..... 7 Statement of Facts..... 8 Summary of Argument..... 8-9 Argument..... 9 A. Standard of Review..... 9 B. The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver ..... 10-11 C. The orders are void, the Relator has no adequate appellate remedy, and mandamus must issue to vacate them..... 11-13 Conclusion ..... 13 Prayer for Expedited Relief ..... 14 Certification (TRAP 52.3(j))..... 15 Certificate of Compliance (TRAP 9.4(i)(3))..... 15 Certificate of Service ..... 16 4 Index of Authorities Cases Page Browning v. Prostok, 165 S.W.3d 336, 346 (Tex.

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Statement of the Case Nature of Underlying Proceeding: This original proceeding arises from a divorce matter pending in the 322nd District Court of Tarrant County, Texas (Cause No. 322-744263-23), concerning two minor children, M.E.M. and C.R.M. The Relator has been on a solo flight seeking un-opposed relief for over fourteen months, and his mandamus was denied in the Second Court of Appeals on April 15, 2025. (Case No. 02-25-00166-CV) Respondent Judge: The Respondent Judge, Honorable Jeffrey Kaitcer, is the presiding Associate Judge of the 322nd District Court of Tarrant County, Texas. His office is located at Family Law Center 200 E. Weatherford St. 4th Floor, Fort Worth, TX 76196-0230. Respondent’s Challenged Action: On March 14, 2024, Respondent presided over a hearing concerning an agreed associate judge’s report signed on February 1, 2024. Prior to the hearing, the Relator had filed an emergency motion to vacate and expressly withdrew his consent. At the conclusion of the hearing, Respondent ordered Relator to sign proposed agreed orders to which he had not consented to. 6 Statement of Jurisdiction STATEMENT OF JURISDICTION This Honorable Court has jurisdiction to consider this original proceeding for writ of mandamus. Tex. Const. art. V, § 3(a); Tex. Gov’t Code § 22.002. 7 Issues Presented Issue No. 1: The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver. Issue No. 2: Because the orders are void, Relator has no adequate appellate remedy and mandamus must issue to vacate them. 8 STATEMENT OF FACTS In this case Relator Charles D. Myers signed an “Agreed Associate Judge’s Report” on February 1, 2024, under prior counsel (MR 8), then promptly discharged his lawyer (MR 5). On February 8, 2024, the report was entered by the clerk, and the Relator revoked consent on February 9 by filing an emergency motion (styled to vacate) within three working days of notice. (MR 12) That filing served as a de novo hearing request under Tex. Fam. Code §201.015. On March 14 an associate judge (Hon. Kaitcer) held the hearing – although under §201.015 the referring district judge should have conducted it – and denied Relator’s motion. The associate judge then ordered Relator to sign the previously agreed terms. (APP 1.1) On March 26 the court issued “Temporary Orders” reciting that “all parties have agreed to the terms... as evidenced by the signatures below,” even though Relator had not signed and in fact had disavowed consent. (APP 2.1) The elected district judge never signed or adopted those orders under Tex. Fam. Code §201.013. The orders have been in effect since March 14, 2024, and no opposition to the relief being sought has been filed. SUMMARY OF ARGUMENT The Respondent exceeded his statutory authority when he entered an agreed order where

only one party consented to the terms of the agreement and where a timely review was requested. Both statutory law and case law require mutual consent of all parties at the time the agreed order is rendered, with the only exception being certain mediated settlement agreements that have been properly executed by all parties, which does not apply to this case. Here, a Father was removed from his home based on false allegations of family violence and then was later ordered to agree to a settlement leveraged by the Real Party in Interest. These actions defy the very principles of justice, and have left the Relator without a stable home, left him unable to work, and has significantly disrupted the status quo and the relationship between with his two minor children named in this suit. The orders should be declared void ab initio and vacated through mandamus. ARGUMENT A. Standard of review For mandamus relief, a relator must establish that an order is void or a clear abuse of discretion with no adequate remedy by appeal. In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding). A void order is an abuse of discretion, and mandamus will issue to remedy it regardless of whether the relator has an adequate remedy by appeal. In re Sw. Bell Tel. Co., 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding) Here, the Relator contends the orders are indeed void because the Associate Judge had no authority to render the orders in question, and they were never properly adopted by the referring court under the Texas Family Code. 10 B. The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver. Texas law limits the acts an associate judge may perform and the orders he may sign. Section 201.007 of the Family Code enumerates those powers. An associate judge may recommend an order to the referring court, but he may render and sign a final order only under narrow circumstances. Specifically, § 201.007(a)(14) permits an associate judge to sign a final order only if all parties have agreed in writing or a party is in default, or if a party has waived notice or appearance at the final hearing. Subsection (a)(16) permits a final order if the parties sign a written waiver of a de novo hearing before the hearing begins. In all other cases, an associate judge may only submit findings and recommendations to the referring court. Here, Relator's own filings establish that he withdrew consent and timely sought a de novo hearing, removing any statutory authority to enter the March 26 orders. The record shows that on February 1, 2024, Relator signed an Associate Judge's Report for "Agreed Temporary Orders". Relator's consent was not irrevocable, however. On February 9 he filed in the trial court a "Motion for Reconsideration and to Vacate Temporary Orders" which explicitly withdrew his consent and requested a hearing. This filing fell well within the three-working-day deadline of § 201.015(a). In compliance with § 201.015(f), the hearing was promptly set. Once Relator withdrew his agreement, the associate judge lost power to enter any final order without a de novo hearing. Under § 201.007(c), the associate judge's proposed order could not "become final" because Relator had requested de novo review. Moreover, § 201.013(b) requires the referring judge's signature for an unsigned associate judge's order to take effect. Here the district court clerk filed the orders on March 26 with only his own attestation. Simply put, until the referring court formally approves the recommendation, no final order exists. And Id. § 201.015 sets out the appeal process by which parties can seek review before the referring court, thereby triggering the procedure in Id. § 201.013. Under these provisions, the associate judge's decisions are not self-

executing final judgments but must be presented to and adopted by the actual court of jurisdiction. The record shows that the referring court never signed any conforming order and that the procedural prerequisites of § 201.015 were not satisfied. Thus, even setting aside the consent issue, the orders never became the court's own order as required. In light of §§ 201.007, 201.013, and 201.015, the trial court here plainly exceeded its statutory authority. The order it issued cannot be reconciled with the Family Code's limitations and is thus unauthorized from its inception. C. The orders are void, the Relator has no adequate appellate remedy, and mandamus must issue to vacate them. Because the trial court acted beyond its lawful power, the orders it issued are void, not merely erroneous. As this court has previously explained, a judgment is void when "the court rendering judgment had no jurisdiction of the parties or property, no jurisdiction of the subject matter, no jurisdiction to enter the particular judgment, or no capacity to act". *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 271- 73 (Tex. 2012); *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010) (quoting *Browning v. Prostok*, 165 S.W.3d at 346). Here, the trial court had no capacity to issue a judgment rendered without authority. Acting outside the scope of Tex. Fam. Code § 201.007 et seq. means the court lacked capacity to act in this case. Accordingly, the March 26, 2024, temporary orders are a nullity and should be declared as such. The Relator emphasizes that this situation is not akin to the scenario in *Burnaman v. Heaton*. *Burnaman* involved a consent judgment entered when one party's approval had lapsed - a defect in the parties' agreement, not in the court's authority. In that context the judgment was held invalid for lack of consent at the moment of rendition. *Id.* 240 S.W.2d 288, 291 (Tex. 1951). While those circumstances apply here, there is not just a question of a party's consent; the problem is the court's own lack of statutory power under the Texas Family Code. *Burnaman* and its discussion of consent concern a different species of defect and do not save an order entered outside statutory authority. In sum, section 201.007, the legislature has not given associate judges the power to render judgment outside the context of an agreed order or default when a timely de novo request was made. 13 The Respondent may argue that a lack of consent or some procedural irregularity would merely render the order voidable. But that argument is misplaced. Here the defect is not a mere procedural error but a fundamental absence of statutory authorization. Under Texas law, a judgment rendered without any statutory basis is void and can be attacked at any time. *Id.* Indeed, this petition for mandamus arises precisely because the trial court issued an order it had no power to sign. Thus, the order has no legal effect. CONCLUSION Relator cannot wait for final appeal to fix the void orders: their continued effect causes ongoing harm each day and has persisted for thirteen months. Mandamus must issue now to vacate the void orders. Because the court acted beyond its statutory authority and rendered a consent judgement where consent was wanting, its actions constitute a clear abuse of discretion. And no remedy by appeal is available: void orders are not saved by an appeal. As the Supreme Court explained in *Walker v. Packer*, an appeal is inadequate to correct errors that exceed the court's jurisdiction. *Id.*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). Therefore, because the Family Code gave the trial court no power to enter the contested orders, those orders are void ab initio. Relator therefore prays that this Court grant the writ of mandamus and order the trial court to vacate the unauthorized

orders. 14 PRAYER FOR EXPEDITED RELIEF For the foregoing reasons, Relator respectfully requests that this Honorable Court: i. Grant this Petition for Writ of Mandamus; ii. Reverse or vacate the Second Court of Appeals’ per curiam denial of mandamus relief issued in Cause No. 02-25-00166-CV on April 24, 2025; iii. Issue a writ of mandamus directing the 322nd District Court of Tarrant County, Texas, to vacate the March 26, 2024, temporary orders entered in Cause No. 322-744263-23 as void for lack of jurisdiction and authority; and iv. Grant Relator such other and further relief to which he may be justly entitled. Respectfully submitted, /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se 6641 Anne Court Watauga, Texas 76148 Email: chuckdustin12@gmail.com Phone: 817-546-3693 PRO-SE RELATOR

15 Certification (TRAP 52.3(j)) Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE RELATOR Certificate of Compliance (TRAP 9.4(i)(3)) Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document is 1576 words. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE RELATOR

16 CERTIFICATE OF SERVICE Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 1st, 2025. Real Party in Interest Morgan Michelle Myers morganmw02@gmail.com Respondent Hon. Jeff Kaitcer Associate Judge 322nd District Court, Tarrant County, Texas LKBaker@tarrantcountytexas.gov Tel.: 817-884-1427 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter cooperclark@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; Intervenors - Appellate Level Deterrean Gamble (Bar No. 24062194) Nicole Loya (Bar No. 24082948) Tel: (512) 460-6672 deterrean.gamble@texasattorneygeneral.gov nicole.loya@oag.texas.gov 5500 East Oltorf Austin, Texas 78741 Matthew Deal (Bar No. 24087397) Tel: (512) 460-6132 matthew.deal@texasattorneygeneral.gov 314 West 11th Street Austin, Texas 78701-2112 No. \_\_\_\_\_-CV IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County Cause No. 322-744263-23 On Mandamus Review from Cause No. 02-25-00166-CV in the Second District Court of Appeals, Fort Worth, Texas RELATOR’S APPENDIX Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested TABLE OF CONTENTS

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TAB 1 322-744263-23 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 APP 3.1 Catherine Saenz APP 3.1 APP 3.1 TAB 2 IN THE MATTER OF THE MARRIAGE OF MORGAN MYERS AND CHARLES MYERS AND IN THE INTEREST OF CAUSE NO. 322-744263-23 IN THE DISTRICT COURT

322ND JUDICIAL DISTRICT MARA MYERS AND CAROLINE MYERS,  
CHILDREN § § § § § § § § TARRANTCOUNTY,TEXAS TEMPORARY ORDERS  
1JC On February 11, 2024, the Court heard Petitioner's motion for temporary  
orders. Appearances Petitioner, MORGAN MYERS, appeared in person and  
through attorney of record, Cooper L. Carter, and announced ready and  
signed an Associate Judge's Report regarding Agreed Temporary Orders.  
Respondent, CHARLES MYERS, appeared in person and through attorney of  
record, Daniel Bacalis, and announced ready and signed an Associate  
Judge's Report regarding Agreed Temporary Orders. The parties have  
agreed to the terms of this order as evidenced by the signatures below.  
Jurisdiction The Court, after examining the record and the agreement of the  
parties and hearing the evidence and argument of counsel, finds that all  
necessary prerequisites of the law have been legally satisfied and that the  
Court has jurisdiction of this case and of all the parties. Children The  
following orders are for the safety and welfare and in the best interest of the  
322-744263-23 FILED TARRANT COUNTY 3/26/2024 3:19 PM THOMAS A.  
WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A.  
WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024  
Catherine Saenz APP 2.1 APP 2.1 following children: Name: Sex: Birth date:  
Home state: Name: Sex: Birth date: Home state: Conservator ship  
MARAMYERS Female 7 years Texas CAROLINE MYERS Female 5 years  
Texas IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are  
appointed Temporary Joint Managing Conservators of the following children:  
MARA MYERS and CAROLINE MYERS IT IS ORDERED that, at all times,  
MORGAN MYERS, as a parent temporary joint managing conservator, shall  
have the following rights: 1. the right to receive information from any other  
conservator of the children concerning the health, education, and welfare of  
the children; 2. the right to confer with the other parent to the extent  
possible before making a decision concerning the health, education, and  
welfare of the children; 3. the right of access to medical, dental,  
psychological, and educational records of the children; 4. the right to  
consult with a physician, dentist, or psychologist of the children; 5. the right  
to consult with school officials concerning the children's welfare and  
educational status, including school activities; 6. the right to attend school  
activities, including school lunches, performances, and field trips; 7. the  
right to be designated on the children's records as a person to be notified in  
case of an emergency; 8. the right to consent to medical, dental, and  
surgical treatment during an A CERTIFIED COPY ATTEST: THOMAS A.  
WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024  
Catherine Saenz APP 2.2 APP 2.2 emergency involving an immediate danger  
to the health and safety of the children; and 9. the right to manage the  
estates of the children to the extent the estates have been created by the  
parent's family or by the parent, other than by the community or joint  
property of the parent. IT IS ORDERED that, at all times, CHARLES MYERS,  
as a parent temporary joint managing conservator, shall have the following  
rights: 1. the right to receive information from any other conservator of the  
children concerning the health, education, and welfare of the children; 2.  
the right to confer with the other parent to the extent possible before  
making a decision concerning the health, education, and welfare of the  
children; 3. the right of access to medical, dental, psychological, and  
educational records of the children; 4. the right to consult with a physician,  
dentist, or psychologist of the children; 5. the right to consult with school

officials concerning the children's welfare and educational status, including school activities; 6. field trips; the right to attend school activities, including school lunches, performances, and 7. the right to be designated on the children's records as a person to be notified in case of an emergency; 8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and 9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent. IT IS ORDERED that, at all times, MORGAN MYERS and CHARLES MYERS, as parent temporary joint managing conservators, shall each have the following duties: 1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children; 2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.3 APP 2.3 registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; 3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; 4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and 5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this

information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE. IT IS ORDERED that, during her periods of possession, MORGAN MYERS, as parent temporary joint managing conservator, shall have the following rights-and duties: 1. the duty of care, control, protection, and reasonable discipline of the children; 2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure; A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.4 APP 2.4 3. the right to consent for the children to medical and dental care not involving an invasive procedure; and 4. the right to direct the moral and religious training of the children. IT IS ORDERED that, during his periods of possession, CHARLES MYERS, as parent temporary joint managing conservator, shall have the following rights and duties: 1. the duty of care, control, protection, and reasonable discipline of the children; 2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure; 3. the right to consent for the children to medical and dental care not involving an invasive procedure; and 4. the right to direct the moral and religious training of the children. IT IS ORDERED that MORGAN MYERS, as a parent temporary joint managmg conservator, shall have the following rights and duty: 1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures; 2. the independent right to consent to psychiatric and psychological treatment of the children; 3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children; 4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children; 5. the independent right to consent to marriage and to enlistment in the armed forces of the United States; 6. the independent right to make decisions concerning the children's education; 7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children; 8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.5 APP 2.5 relation to the children's estates if the children's action is required by a state, the United States, or a foreign government; 9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and 10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent. IT IS ORDERED that CHARLES MYERS, as a parent temporary joint managmg conservator, shall have the following rights and duty: 1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures; 2. the independent right to consent to psychiatric and psychological treatment of the children; 3. the independent



right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children; 4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children; 5. the independent right to consent to marriage and to enlistment in the armed forces of the United States; 6. the independent right to make decisions concerning the children's education; 7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children; 8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government; 9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and 10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.6 APP 2.6 Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which MORGAN MYERS has enrolled the children. The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, 1 and counties contiguous to Tarrant County, Texas, and the parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court. Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner: a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient: MORGAN MYERS morganm202@gmail.com A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.7 APP 2.7 CHARLES MYERS chuckdustic12@gmail.com and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change. If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application. IT IS

ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent. Possession and Access IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole. 1. Standard Possession Order IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED: (a) Definitions 1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides. 2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated. (b) Mutual Agreement or Specified Terms for Possession IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.8 APP 2.8 mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order. (c) When Parents Reside 50 Miles or Less Apart Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides 50 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows: 1. Weekends - On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend. On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday. 2. Weekend Possession Extended by a Holiday - Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday. 3. Thursdays - On Thursday of each week during the

regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday. 4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation. 5. Extended Summer Possession by CHARLES MYERS - With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31. Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows: 1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation. 2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child. 3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, MORGAN MYERS

and CHARLES MYERS shall have the right to possession of the child as follows: 1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation. 2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation. 3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving. 4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving. 5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place. 6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.11 APP 2.11 Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place. 7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place. ( d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 50 Miles but 100 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows: 1. Weekends - On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend. On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the

following Sunday. 2. Weekend Possession Extended by a Holiday Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday. 3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday. 4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation. 5. Extended Summer Possession by CHARLES MYERS - With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31. Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows: 1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP

2.13 APP 2.13 2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child. 3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. (e) Parents Who Reside More Than 100 Miles Apart Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 100 miles from the residence of the child, CHARLES MYERS shall have the right to possession of the child as follows: 1. Weekends - Unless CHARLES MYERS elects the alternative period of weekend possession described in the next paragraph, CHARLES MYERS shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday. Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, CHARLES MYERS shall have the right to possession of the child not more than one weekend per month of CHARLES MYERS's choice beginning at 6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. CHARLES MYERS may elect an option for this alternative period of weekend possession by giving written notice to MORGAN MYERS within ninety days after the parties begin to reside more than 100 miles apart. If CHARLES MYERS makes this election, CHARLES MYERS shall give MORGAN MYERS A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.14 APP 2.14 fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below. 2. Weekend Possession Extended by a Holiday - Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding

the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

4. Extended Summer Possession by CHARLES MYERS - With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. Without Written Notice by April 1 - If CHARLES MYERS does not give A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.15 APP 2.15 MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year. Notwithstanding the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P .M. on Friday and ending at 6:00 P .M. on the following Sunday during any one period of possession by CHARLES MYERS during CHARLES MYERS's extended summer possession in that year, provided that if a period of possession by CHARLES MYERS in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.

2. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods

of at least seven consecutive days each, during which CHARLES MYERS shall not have possession of the child, provided that the period or periods so designated do not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. (t) Holidays Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, except when CHARLES MYERS resides fifty miles or less from the primary residence of the child, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.16 APP 2.16 at 6:00 P.M. on the day before school resumes after that Christmas school vacation.
2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.
3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.
4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.
5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.
6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.
7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(g) Undesignated Periods of Possession MORGAN MYERS shall have the right of possession of the child at all A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/



04/16/2024 Catherine Saenz APP 2.17 APP 2.17 other times not specifically designated in this Standard Possession Order for CHARLES MYERS. (h) General Terms and Conditions Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows: 1. Surrender of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each period of CHARLES MYERS's possession at the residence of MORGAN MYERS. If a period of possession by CHARLES MYERS begins at the time the child's school is regularly dismissed, MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, CHARLES MYERS shall pick up the child at the residence of MORGAN MYERS at 6:00 P.M., and MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the residence of MORGAN MYERS at 6:00 P.M. under these circumstances. 2. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the residence of CHARLES MYERS at the end of each period of possession. If a period of possession by CHARLES MYERS ends at the time the child's school resumes, CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of MORGAN MYERS at 6:00 P.M. 3. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS, if the child is in CHARLES MYERS's possession or subject to CHARLES MYERS's control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order. 4. Return of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to return the child to CHARLES MYERS, if CHARLES MYERS is entitled to possession of the child, at the end of each of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order. 5. Personal Effects - Each conservator is ORDERED to return with A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.18 APP 2.18 the child the personal effects that the child brought at the beginning of the period of possession. 6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned. 7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period. 8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change. 9. Notice to School and MORGAN MYERS - If CHARLES MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will

not be returned to school, CHARLES MYERS shall immediately notify the school and MORGAN MYERS that the child will not be or has not been returned to school. This concludes the Standard Possession Order. 2. Duration The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated. Child Support IT IS ORDERED that CHARLES MYERS pay to MORGAN MYERS for the support of MARA MYERS and CAROLINE MYERS nine hundred seventy-three dollars and nineteen cents (\$973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.19 APP 2.19 Withholding from Earnings IT IS ORDERED that any employer of CHARLES MYERS shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of CHARLES MYERS for the support of MARA MYERS and CAROLINE MYERS. IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CHARLES MYERS by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of CHARLES MYERS, and it is hereby ORDERED that CHARLES MYERS pay the balance due directly as specified below. On this date the Court signed an Income Withholding for Support. Payment IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MORGAN MYERS for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, CHARLES MYERS's name as the name of the noncustodial parent (NCP), and MORGAN MYERS's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at [www.texasattorneygeneral.gov/cs/paymentoptions-and-types](http://www.texasattorneygeneral.gov/cs/paymentoptions-and-types). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.20 APP 2.20 IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee. Change of Employment IT IS FURTHER ORDERED that CHARLES MYERS shall notify this Court and MORGAN MYERS by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of CHARLES MYERS and the name and address of his current employer, whenever that information becomes available. Clerk's Duties IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MORGAN MYERS, CHARLES MYERS, or an

attorney representing MORGAN MYERS or CHARLES MYERS, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer. Medical and Dental Support 1. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each provide additional child support for each child as set out in this order for as long as the Court may order MORGAN MYERS and CHARLES MYERS to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MORGAN MYERS and CHARLES MYERS's actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.21 APP 2.21 IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions - "Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code. "Reasonable cost" means the total cost of health insurance coverage for all children for which MORGAN MYERS is responsible under a medical support order that does not exceed 9 percent of MORGAN MYERS's annual resources, as described by section 154.062(b) of the Texas Family Code. "Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication. "Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds: IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.22 APP 2.22

4. Provision of Health-Care Coverage - As Petitioner's child support, MORGAN MYERS is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. MORGAN MYERS is ORDERED - a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children: a. MORGAN MYERS' Social Security number; b. Proof that health insurance has been provided for the children; c. The following information and documents: 1. The name of the health insurance carrier; 11. The number of the policy; 111. A copy of the policy; 1v. A schedule of benefits; v. A health insurance membership card; v1. Claim forms; and VII. Any other information necessary to submit a claim; and d. To provide each

conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after MORGAN MYERS receives or is provided with the renewal, change, or additional information; e. To notify each conservator of the children of any termination or A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.23 APP 2.23 lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse; f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MORGAN MYERS of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available; g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MORGAN MYERS at a reasonable cost at the next available enrollment period. Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if MORGAN MYERS is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of CHARLES MYERS or others authorized by law. 5. Allocation of Unreimbursed Expenses - The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.24 APP 2.24 health-care expense. For the Court to hold the nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a healthcare expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the health-care expense the nonincurring conservator was ordered but fail to pay. 6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED,

AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN. 7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section I 169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.25 APP 2.25 No Termination of Orders on Death of Obligee An obligation to pay child support under this order does not terminate on the death of MORGAN MYERS but continues as an obligation to MARA MYERS and CAROLINE MYERS. Other Child Related Provisions Required Notices NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000. THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF: (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.26 APP 2.26 UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES. Warnings to Parties WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS. FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT. FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY. Property and Parties The Court finds that the following orders respecting the property and parties are necessary and equitable. IT IS ORDERED that MORGAN MYERS shall be responsible for the timely payment of the following: A CERTIFIED COPY ATTEST: THOMAS

A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.27 APP 2.27 1. The auto insurance for the vehicle in her possession; 2. the monthly payment for her cell phone; 3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024. IT IS ORDERED that CHARLES MYERS shall be responsible for the timely payment of the following: 1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession; 2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession; 3. the monthly payment for his cell phone; 4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024. IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024. IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024. Co-Parenting Website IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.28 APP 2.28 by May 1, 2024, and file a certificate of completion with the Court for their attendance to this coparenting class. IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class. App Close IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS shall each timely post on the AppClose website a copy of any email received by the party from the A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.29 APP 2.29 children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party. For purposes of this

section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity. By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program. Temporary Injunction The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived. IT IS ORDERED that Petitioner and Respondent are enjoined from: 1. Intentionally communicating with the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party. 2. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party. 3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.30 APP 2.30 and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party. 4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party. 5. Threatening the other party or a child of either party with imminent bodily injury. 6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and the children of the marriage. 7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party. 8. Intentionally misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information. 9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party. 10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party. 11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.31 APP 2.31 property, or intellectual property, and whether separate or community property, except as specifically authorized by this order. 12. Incurring any debt, other than legal expenses in connection with

this suit, except as specifically authorized by this order. 13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order. 14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order. 15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order. 16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order. 17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order. 18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others. 19. Changing or in any manner altering the beneficiary designation on any life A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.32 APP 2.32 insurance policy on the life of either party or a child of the parties. 20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties. 21. Opening or diverting mail or email or any other electronic communication addressed to the other party. 22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party. 23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order. 24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary. 25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement. 26. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. 27. Modifying, changing, or altering the native format or metadata of any electronic A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.33 APP 2.33 data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. 28. Deleting any data or content from any social network profile used or created by either party or a child of the parties. 29. Using



any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account. 30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription. 31. Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children. 32. Neither party shall consume alcohol during their period of possession with the children. 33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol. 34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. 35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children. 36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.34 APP 2.34 the other party using a profane name or names, profanity or curse words. 37. The parties are not to discuss the litigation or issues with the children. 38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children. IT IS ORDERED that Petitioner is further enjoined from: 1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent. IT IS ORDERED that Respondent is further enjoined from: 1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;. 2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner. IT IS ORDERED that Petitioner is specifically authorized: To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit. To make withdrawals from accounts in financial institutions only for the purposes authorized by this order. IT IS ORDERED that Respondent is specifically authorized: To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.35 APP 2.35 in connection with this suit. For purposes of this order, "personal property" includes, but is not limited to, the following: a. cash, checks, traveler's checks, and money orders; b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions; c. funds and assets held in brokerage, mutual fund, and other investment accounts; d. publicly traded stocks, bonds, and other securities; e. stock options and restricted stock units; f. bonuses; g. closely held business interests; h. retirement benefits and accounts; i. deferred compensation benefits; j. insurance policies, annuities, and health savings accounts; k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles; l.

money owed to one or both parties, including notes and expected income tax refunds; m. household furniture, furnishings, and fixtures; n. electronics and computers; o. antiques, artwork, and collections; p. sporting goods and firearms; q. jewelry and other personal items; A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.36 APP 2.36 r. pets and livestock; s. club memberships; t. travel award benefits and other award accounts; u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names; v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, biogs, reward points, digital storefronts, artwork, and data storage accounts; w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency; x. safe-deposit boxes and their contents; y. storage facilities and their contents; and z. contingent assets. Duration These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court. SIGNED on JVI ? l / t 26 2\_1f . .TI..JDGE PRESIDING APPROVED AS TO FORM ONLY: MARX ALTMAN & JOHNSON A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.37 APP 2.37 2905 Lackland Rd. FT. WORTH, Texas 76116 Tel: (817) 926-6211 Fax: (817) 926-6188 By: \_\_, \_\_, \_\_, \_\_, c \_f#--1-b~----- Cooper Attome for Petitioner State Bar No. 24121530 cooperarter@maj admin. com Daniel R. Bacalis PC 669 Airport Freeway Suite 307 Hurst, TX 76053 Office Phone: (817)498-4105 Fax: (817)282-0634 By: \_\_\_\_\_ Daniel Bucalis Attorney for Respondent State Bar No. 01487550 Email: dbacalis@dbacalis.com APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE: MORGAN MYERS PETITIONER CHARLES MYERS RESPONDENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.38 APP 2.38 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 85983756 Filing Code Description: No Fee Documents Filing Description: Status as of 3/27/2024 7:40 AM CST Associated Case Party: MORGANMICHELLEMYERS Name MORGAN MICHELLEMYERS Cooper L.Carter BarNumber Email morganmw02@gmail.com cooperarter@majadmin.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT Associated Case Party: CHARLESDUSTINMYERS Name Daniel Bacalis Tammy L.Johnson Daniel R.Bacalis CHARLES MYERS BarNumber Email service@dbacalis.com tjohnson@dbacalis.com dbacalis@dbacalis.com chuckdustin12@gmail.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT SENT SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.39 APP 2.39 TAB 3 In the Court of Appeals Second Appellate District of Texas at

Fort Worth No. 02-25-00166-CV Original Proceeding 322nd District Court Tarrant County, Texas Trial Court No. 322-744263-23 ORDER We have considered relator's "Motion for En Banc Reconsideration." It is the opinion of the court that the motion for en banc reconsideration should be and is hereby denied and that the opinion and judgment of April 15, 2025, stand unchanged. We direct the clerk of this court to send a notice of this order to the relator and attorneys of record. Dated April 24, 2025. Per Curiam En Banc IN RE CHARLES DUSTIN MYERS FILE COPY APP 3.1 TAB 4 In the Court of Appeals Second Appellate District of Texas at Fort Worth

No. 02-25-00166-CV

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Original Proceeding 322nd District Court of Tarrant County, Texas Trial Court No. 322-744263-23 Before Bassel, Kerr, and Wallach, JJ. Per Curiam Memorandum Opinion IN RE CHARLES DUSTIN MYERS, Relator APP 4.1 2 MEMORANDUM OPINION The court has considered relator's petition for writ of mandamus and emergency motion to stay proceedings and is of the opinion that relief should be denied. Accordingly, relator's petition for writ of mandamus and emergency motion to stay proceedings are denied. Per Curiam Delivered: April 15, 2025 APP 4.2 TAB 5 APP 5.1 APP 5.1 APP 5.1 APP 5.1 Texas Family Code § 201.007 – Powers of Associate Judge (a) Except as limited by an order of referral, an associate judge may: (1) conduct a hearing; (2) hear evidence; (3) compel production of relevant evidence; (4) rule on the admissibility of evidence; (5) issue a summons for: (A) the appearance of witnesses; and (B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice; (6) examine a witness; (7) swear a witness for a hearing; (8) make findings of fact on evidence; (9) formulate conclusions of law; (10) recommend an order to be rendered in a case; (11) regulate all proceedings in a hearing before the associate judge; (12) order the attachment of a witness or party who fails to obey a subpoena; (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013; (14) without prejudice to the right to a de novo hearing before the referring court under Section 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing; (15) take action as necessary and proper for the efficient performance of the associate judge's duties; and (16) render and sign a final order if the parties waive the right to a de novo hearing before the referring court under Section 201.015 in writing before the start of a hearing conducted by the associate judge. (b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any APP 5.2 APP 5.2 APP 5.2 APP 5.2 party. (c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court. (d) An answer filed by or on behalf of a party who previously

filed a waiver described in Subsection (a)(14)(D) shall revoke that waiver. (e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed. TAB 6 APP 6.1 APP 6.1 APP 6.1 APP 6.1 Texas Family Code § 201.015 - De Novo Hearing Before Referring Court (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of: (1) the substance of the associate judge's report as provided by Section 201.011; or (2) the rendering of the temporary order, if the request concerns a temporary order rendered by an associate judge under Section 201.007(a)(14)(C). (b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. (c) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury. (d) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney under Rule 21a, Texas Rules of Civil Procedure. (e) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the third working day after the date the initial request was filed. (f) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court. (g) Before the start of a hearing by an associate judge, the parties may waive the right of a de novo hearing before the referring court in writing or on the record. (h) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, motion for judgment notwithstanding the verdict, or other post-trial motion. (i) A party may not demand a second jury in a de novo hearing before the referring APP 6.2 APP 6.2 APP 6.2 APP 6.2 court if the associate judge's proposed order or judgment resulted from a jury trial. Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below: Envelope ID: 100310746 Filing Code Description: Petition Filing Description: Petition for Writ of Mandamus Status as of 5/1/2025 8:49 AM CST Case Contacts Name CHARLES DMYERS BarNumber Email CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 5/1/2025 8:36:20 AM Status SENT MANDAMUS 4: REGIONAL PRESIDING JUDGE DAVID L. EVANS 1 No.25-\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus from the 322nd Judicial District Court, Tarrant County Cause Number 322-744263-23 Original Proceeding Hon. David L. Evans Presiding PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 FILED 25-0426 5/19/2025 9:46 AM tex-100980126 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers 6641 Anne Court Watauga, Texas 76148 chuckdustin12@gmail.com 817-546-3693 Intervenor Holly Hayes SBN# 24110698 2001 Beach Street Fort Worth, TX

76103 csd-legal-914@texasattorneygeneral.gov Real Party in Interest	
Morgan Michelle Myers Morganmw02@gmail.com Counsel for Real Party in	
Interest Cooper L. Carter SBN# 24121530 Marx, Altman & Johnson 2905	
Lackland Road Fort Worth, TX 76116; (817) 926-6211	
coopercarter@majadmin.com Respondent Hon. David L. Evans Presiding	
Regional Judge 8th Administrative Judicial Region of Texas 100 N. Calhoun	
St., 2nd Floor Fort Worth, TX 76196-1148 thkemp@tarrantcounty.com (817)	
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proceeding arises from a divorce action, No. 322-744263-23, pending in the 322nd District Court of Tarrant County, Texas. The Relator initiated recusal proceedings under Texas Rule of Civil Procedure 18a, which remain pending. The issues presented concern the improper handling of those recusal procedures. Respondent Judge: The Respondent Judge, Honorable David L. Evans, is the presiding Regional Judge of the 8th Administrative Judicial Region of Texas. Respondent's Challenged Actions: The Respondent erred when he overruled the Relator's objection requesting that the mandatory procedures set forth in Rule 18a of the Texas Rules of Civil Procedure be followed. Further, permitting a judge to file an order of referral regarding a recusal motion where he was not named introduces confusion and undermines the purpose of the rule, causes further delays, and leaves the Relator without an adequate appellate remedy. 7 Statement of Jurisdiction This Petition for Writ of Mandamus is properly filed in the Supreme Court of Texas, which possesses original jurisdiction to issue writs of mandamus against regional presiding judges pursuant to Article V, Section 3 of the Texas Constitution and Texas Government Code § 22.002(a). In contrast, the jurisdiction of intermediate appellate courts is governed by Texas Government Code § 22.221, and the Legislature has not conferred upon those courts the authority to issue writs of mandamus against regional presiding judges. This original proceeding is properly presented to this Honorable Court in the first instance due to the jurisdictional limitations of the Second Court of Appeals and because three previously filed mandamus proceedings—arising from the same case and naming the same parties—are currently pending before this Court under cause numbers 25-0361, 25-0367, and 25-0378. 8 Issues Presented Issue No. 1: Whether the Respondent abused his discretion by delegating to a court coordinator duties that Texas Rule of Civil Procedure 18a(e)(1) expressly assigns to the clerk during recusal proceedings, leaving the Relator without an adequate appellate remedy. Issue No. 2: Whether the Respondent further abused his discretion by permitting a judge not subject to recusal to file an order of referral. 9 Statement of Facts "MR" in this section refers to the mandamus record filed concurrently with this petition. "APP" refers to the mandamus appendix attached hereto. On April 23, 2025, in the midst of three concurrent mandamus proceedings in the Second Court of Appeals<sup>1</sup>, the trial court below, on its' own initiative, and after several months of silence, sua sponte moved to set the matter for final trial (MR 1-1.1). The same day, CHARLES DUSTIN MYERS, ("the Relator") filed notice with the Second Court of Appeals warning that more errors would likely be committed by the trial court given this sudden decision to move to final trial (MR 2-2.1). The Relator then objected in the trial court to this setting and reminded the court that there were three concurrent mandamus proceedings pending in the Second Court of Appeals (MR 3.1) and named six specific issues that needed to be resolved before moving to final trial (MR 3.2). The following day, the Second Court of Appeals issued a per curiam denial regarding 02-25-00166-CV, which is now before this court as cause number 25- 0361 (MR 4-4.1). The Relator then filed a Plea to the Jurisdiction directed to Honorable James Munford and reiterated several key issues and questioned the court's jurisdiction and re-raised constitutional issues (MR 5-5.11). On April 25, 2025, the Relator filed a Motion to Recuse in the 322nd District Court seeking to 1 See cause numbers 02-25-00164-CV, 02-25-00166-CV, 02-25-00171-CV 10 recuse the Honorable James Munford (MR 6-6.21) to

protect his rights. The recusal included several exhibits, including the Notice of Court Proceeding (MR 6.22- 6.24), the current temporary orders in effect that claim consent yet lack the Relator's signature (MR. 6.25-6.36), the prior recusal denial (MR. 6.37-6.39), the agreement to reschedule the prior recusal proceedings (MR. 6.40-6.44), the correspondence with the court coordinator for the 322nd District Court of Tarrant County regarding the un-opposed summary judgement motion filed on February 22, 2024, and the reinstatement of the Honorable Judges from the prior recusal proceedings (MR. 6.45-6.50), the initial ruling that divested the Relator of his home, business, and children without findings (MR 6.51-6.53), and the Associate Judge's Report signed by the parties on February 1, 2024 (MR. 6.54-6.60) with specific procedural requirements. Following the submission of his Motion to Recuse, the Relator received notice from the Real Party in Interest, Morgan Michelle Myers, that their youngest child had sustained a dental injury. In response, Relator notified the Second Court of Appeals (MR. 7-7.4) and submitted the same notice to the 322nd District Court, amending the filing to correct a date reference (MR. 8-8.6). Three days later, Relator filed a First Amended Motion to Recuse to include the medical event (MR. 9-9.36) containing a case study (MR 9.54-9.91). He also 11 filed a Notice of Non-Appearance and submitted an objection to the trial setting (MR. 10-10.6). On April 29, 2025, letters from the District Judge and the Associate Judge were filed (MR. 11; MR. 12). Each declined to recuse and referred the matter to Judge David L. Evans of the 8th Administrative Judicial Region (MR. 13; APP 3). Relator filed an Objection to the Recusal Procedure, stating that the motion named only the District Judge and not the Associate Judge, and challenged the inclusion of the latter and objected to the court coordinator's involvement (MR 14). Two days later, the Second Court of Appeals entered denials in cause numbers 02-25-00166-CV and 02-25-00171-CV per curiam (MR. 15; MR. 16). These matters were then docketed before this Court as cause numbers 25-0367 and 25-0378 on May 2, 2025, and May 7, 2025. On May 6, 2025, Honorable Judge Evans issued an Order of Assignment still listing both Honorable Jeff Kaitcer and Honorable James Munford as respondents (APP 2) and used the 322nd District Court's coordinator to transmit documents, a method Relator challenged as improper and filed a second objection (MR. 17). On May 15, 2025, Honorable Judge Evans issued an order denying the Relator's objections (APP 1), which led to the drafting of this petition for writ of mandamus.

12 SUMMARY OF ARGUMENT Texas law assigns the court clerk — not the challenged judge or his personal staff — the duty of transmitting recusal materials. Rule 18a's forwarding requirement is statutorily designated to the clerk of the court where the motion was filed. Allowing a judge's court coordinator or personal assistant (a staff member appointed by the judge) to carry out that delivery would depart from the neutral procedure envisioned by the rule. A coordinator is a direct appointee of the judge and serves at his pleasure; having such a person handle a motion challenging the judge's own authority undermines the independence of the process. In other words, the clerk is a neutral custodian of court records, whereas a coordinator is part of the judge's office. In the recusal context, it is far safer to use the clerk (or an independent deputy) to send the papers on, so that no one can reasonably think the judge is influencing the referral. Beyond the letter of Rule 18a, Texas's Code of Judicial Conduct mandates avoiding not only actual bias but any appearance of impropriety or partiality.

Canon 2(A) provides that a judge “should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”. In practice this means even the perception of favoritism or undue influence must be avoided. Here, the Respondent’s order overruling the Relator’s objection has the opposite effect, constituting an abuse of discretion leaving the Relator without an appellate remedy. 13 ARGUMENT A. Standard of Review To obtain relief by writ of mandamus, a relator must establish that an underlying order is void or a clear abuse of discretion and that no adequate appellate remedy exists. *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex.1992) (orig. proceeding). An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable, made without regard for guiding legal principles or supporting evidence. *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex.2012). Similarly, a trial court abuses its discretion when it fails to analyze or apply the law correctly. *In re Sw. Bell Tel. Co.*, 226 S.W.3d 400, 403 (Tex.2007). The Relator submits that the Respondent clearly abused his discretion by not following the mandatory procedural requirements of Rule 18a of the Texas Rules of Civil Procedure which has undermined the recusal process. B. Government Code § 74.102(b) Does Not Excuse Noncompliance With Rule 18a The Court Administration Act, Government Code Chapter 74, sets broad administrative standards but does not repeal or override other laws. Section 74.102(a) provides that “by local administrative rule” courts shall designate the duties of court coordinators. More importantly, 74.101(b) specifies that each coordinator serves “at the pleasure of the judge who appointed him.” Here, the 14 coordinator in question serves at the pleasure of the judge subject to recusal. Texas law implicitly assigns the court clerk — not the challenged judge or his personal staff — the duty of transmitting recusal materials. Rule 18a’s forwarding requirement is typically performed by the clerk of the court where the motion was filed. Allowing a judge’s court coordinator or personal assistant (a staff member appointed by the judge) to carry out that delivery would depart from the neutral procedure envisioned by the rule. Because a coordinator is a direct appointee of the judge and serves at his pleasure - having such a person handle a motion challenging the judge’s own authority undermines the independence of the process. In other words, the clerk is a neutral custodian of court records, whereas a coordinator is part of the judge’s office. In the recusal context, Rule 18a(e) specifically delineates duties to the clerk of the court, not the coordinator. In the Respondent’s order overruling the Relator’s objection, the invocation of 74.102(b) was misplaced (APP 1.1). This section simply reinforces that court coordinators must work smoothly with judges; it does not allow a coordinator or clerk to disregard the clear instructions of Rule 18a. Nor does § 74.102(b) itself confer discretion to the clerk that would override the rule’s requirements. The only plausible understanding of Section 74.102(b) is that it calls for cooperation in effectuating rules like 18a, not for deviation from them, which is what occurred here. In *Rio Grande Valley Gas Co., In re*, 987 S.W.2d 167 (Tex. App. 1999), the 15 court explicitly stated that recusal motions must be filed “with the clerk of the court.” This further reinforces that the clerk, not a court coordinator, is the proper recipient of recusal-related filings. Likewise, in *In re Amir-Sharif*, NUMBER 13- 19-00573-CV (Tex. App. Dec 12, 2019), the court stated that the respondent judge “must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional



presiding judge." This explicit reference to filing "with the clerk" is directly supported by rule 18a(e). Here, deviation from these mandatory procedural requirements has proven to be inefficient and have undermined the recusal process itself in a case already fraught with procedural abnormalities. C. The involvement of the coordinator in this instance has proven to be inefficient and has undermined the integrity of the recusal process By involving the court coordinator, the straightforward process of recusal has become ambiguous. Rule 18a(c) of the Texas Rules of Civil Procedure makes clear that the judge's obligation to address recusal arises only after a motion is duly filed: the rule commands that if a party "raises a ground requiring recusal," then the judge "shall either recuse himself or request the presiding judge" to take the motion. Here Judge Evans' order overruling the Relator's objection to Honorable Jeff Kaitcer's involvement but permitting the issue to be discussed during the recusal proceedings is not only prejudicial, but it will waste further judicial resources and cause further delay to the relief being sought. A judge must base 16 decisions on what is actually in the record. It is apparent on the face of the record and the motion to recuse that Honorable Jeff Kaitcer was not named in the motion. This implies that the motion was not properly reviewed, or the trial court is trying to create an illusion of an adequate appellate remedy to thwart cause number 25- 0361 pending before this court. The only mention of any recusal regarding Honorable Jeff Kaitcer in the current proceedings was a reference made to the prior recusal proceedings initiated on October 7, 2024 (See MR. 9.19-9.20). Notably, the court coordinator was involved in those proceedings as well, which ended up resulting in a four month delay that was only cured by the Respondent's diligence in reminding the coordinator that the judges were not reinstated into the case while opposing parties remained inactive throughout that critical delay. (MR 8.1) (emphasis added). In essence, the Respondent's invocation of 74.102(b) in the order overruling the Relator's objection, even if correct, would not effectuate its purpose of ensuring "uniform and efficient administration of justice in this state" by involving the court coordinator. Here, inconsistent proceedings have resulted from this involvement, significant delays have occurred, and now the Relator faces recusal proceedings wherein a Judge not named in the motion has inappropriately implicated himself in the proceedings. This error could have been easily resolved by vacating the order, but it instead has created unnecessary ambiguity. 17 D. No triggering motion makes Honorable Jeff Kaitcer's Order of Referral Erroneous Under Texas Rule of Civil Procedure 18a, no recusal procedure is triggered until a valid motion is filed. Once a recusal motion is filed, the challenged judge must either recuse or immediately forward the motion to the presiding judge. See *In re Norman*, 191 S.W.3d 858 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); See also *In re Stearman*, 252 S.W.3d 113 (Tex. App.—Waco 2008, orig. proceeding). Absent any motion, however, the judge has no authority to initiate or refer a recusal proceeding. Here, the Relator's motion to recuse did not seek recusal of Judge Kaitcer, yet the court overruled his objection to his referral order. In doing so, the court ignored the Rule's plain text: a judge may "make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion". *Id.* The court's suggestion that the assigned judge may nonetheless consider the Relator's admitted non-filing only underscores the error - it treats an unfiled motion as if it were pending. *In re Norman* is instructive: under Rule 18a a

judge has “no option” other than to recuse or refer when a motion is pending. By contrast, here no motion to recuse has been filed regarding the Associate Judge, so the Honorable Kaitcer’s referral was in error, and the Respondent had no lawful basis to adjudicate it. For these reasons, the order was plainly erroneous, and these actions have undermined the recusal process which is intended to promote public confidence in the judiciary. 18

**CONCLUSION** In sum, the order overruling Relator’s objection reflects more than a mere procedural disagreement—it constitutes a refusal to follow the mandatory directives of Texas Rule of Civil Procedure 18a. Specifically, 18a(e) vests specific procedural duties in the clerk, not the court coordinator. (emphasis added) The legislature’s choice of language was deliberate: Rule 18a(e) assigns responsibility for receiving, managing, and transmitting recusal motions exclusively to the clerk of the court. Nowhere does it authorize a judge’s personal appointee—such as a court coordinator—to assume or interfere with these statutory duties. Here, a motion was ever filed to recuse Associate Judge Jeff Kaitcer. Yet despite the absence of a triggering event, Judge Kaitcer issued a referral order under Rule 18a as though a motion were pending. That referral had no lawful basis, and any action taken in response—including the overruling of Relator’s objection—is procedurally void. Rule 18a requires a motion before it imposes any duty or limitation. Without such a filing, Judge Kaitcer lacked authority to refer the case, and the assigned judge lacked jurisdiction to adjudicate a nonexistent motion. By further permitting a judge-appointed coordinator to process these materials, the trial court not only misapplied the Rule—it overlooked its core purpose. A coordinator, who serves at the pleasure of the very judge subject to recusal would arguably create the appearance of impartiality when performing 19 duties designated to the clerk by statute. For all these reasons, the trial court abused its discretion in overruling Relator’s objection. Its order departs from both the plain language and the statutory design of Rule 18a, introducing confusion, delay, and inconsistency into a process meant to be clear and impartial. The order should be set aside, and mandamus granted to preserve the integrity of Texas’s statutory recusal framework. **PRAYER FOR RELIEF WHEREFORE, PREMISES CONSIDERED,** Relator respectfully prays that this Honorable Court: 1. Issue a writ of mandamus directing the Respondent to vacate the Order dated May 15, 2025 and Order of Assignment dated May 6, 2025 to preserve the integrity of the recusal proceedings; 2. Take judicial notice that this is the fourth concurrent mandamus petition before this Honorable Court seeking extraordinary relief and take the instant petition into consideration regarding the adjudication of the other three mandamus petitions; 20 3. Grant such other and further relief, whether at law or in equity, to which Relator may be justly entitled, including all relief necessary to ensure compliance with Rule 18a and the fair administration of justice. Respectfully submitted, /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Email: chuckdustin12@gmail.com Phone: 817-546-3693 **PRO-SE RELATOR**

Certification (TRAP 52.3(j)) Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator, representing himself in his own individual capacity, and upon his oath, stated that (i) he is self-represented in this cause in the underlying suit, 322nd Judicial District Court, Tarrant County, Cause No.322- 744263-23; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix

and record; and (3) he has personal knowledge that the items in the appendix and record are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, or orders signed by the trial court in the underlying suit. The Relator states that no live testimony has been adduced in this matter, nor has any evidence been offered or admitted. \_\_\_\_\_ CHARLES DUSTIN MYERS 21 State of Florida County of Miami-Dade Sworn to (or affirmed) and subscribed before me by means of online notarization, this 05/18/2025 by Charles Dustin Myers. Micheal Occide \_\_\_ Personally Known OR \_\_\_ Produced Identification Type of Identification Produced \_\_\_ D\_RIVER LICENSE Notarized remotely online using communication technology via Proof. Certificate of Compliance (TRAP 9.4(i)(3)) I certify that this Petition for Writ of Mandamus complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 2562 words. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE RELATOR 22 23 CERTIFICATE OF SERVICE Relator certifies that on May 19, 2025, a true and correct copy of the foregoing Petition for Writ of Mandamus was served on all parties and counsel of record as follows: Respondent Real Party in Interest Hon. David L. Evans Morgan Michelle Myers Presiding Regional Judge Via EFM: morganmw02@gmail.com 8th Administrative Judicial Region of Texas 100 N. Calhoun St., 2nd Floor Fort Worth, TX 76196-1148 Via EFM: thkemp@tarrantcounty.com (817) 884-1558 Counsel for Real Party Intervenor in Interest Holly Hayes Cooper L. Carter SBN# 24110698 SBN# 24121530 2001 Beach Street Marx, Altman & Johnson Fort Worth, TX 76103 2905 Lackland Road Via EFM: csd-legal-914 Fort Worth, TX 76116 Via EFM: coopercarter@majadmin.com /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Relator No.25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus from the 322nd Judicial District Court, Tarrant County Cause Number 322-744263-23 Hon. David L. Evans Presiding RELATOR'S APPENDIX Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 1 TABLE OF CONTENTS TAB# ITEM TAB 1 ..... 05.15.2025 - Order Overruling Relator's Objection TAB 2 ..... 05.06.2025 - Order of Assignment Dated May 6, 2025 TAB 3 ..... 04.29.2025 - Order of Referral - Judge Kaitcer TAB 4 ..... Code of Judicial Conduct Canon 2 TAB 5 ..... Tex. Gov't. Code § 22.221 TAB 6 ..... Tex. Gov't. Code § 74.101 TAB 7 ..... Tex. Gov't. Code § 74.102 TAB 8 ..... Tex. R. Civ. P. § 18a 2 TAB 1 3 IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELLE MYERS AND CHARLES DUSTIN MYERS AND IN THE INTEREST OF MARA MYERS AND CAUSE NO. 322-744263-23 CAROLINE MYERS, CHILDREN § § § § § § § IN THE DISTRICT COURT 322ND JUDICIAL DISTRICT TARRANT COUNTY, TEXAS ORDER DENYING OBJECTION TO ORDER OF ASSIGNMENT DATED MAY 6, 2025 AND THE OBJECTION DATED APRIL 29, 2025 Came on to be considered the Objection to Order of Assignment Dated May 6, 2025, and the Objection dated April 29, 2025 that were filed

Charles Dustin Myers in the above-entitled cause. Mr. Myers complains of the court coordinator's involvement in the recusal process. A Court Coordinator's duties include assisting the administrative judges. See Tex. Gov't Code Ann. § 74.102(b) which provides as follows: To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts. The court coordinators and clerks work together to assist the trial judges and the administrative judges. Only the judges, not the litigants, have the authority to direct the activities of the court coordinators and clerks. Mr. Myers' objections regarding the involvement are overruled. Mr. Myers also objects to the referral by Judge Kaitcer of a motion to recuse (Kaitcer recusal motion) to the undersigned. This objection is overruled. However, the judge who hears 4 APP 1.1 the Kaitcer recusal motion may take into consideration Mr. Myers' claim that he did not file a motion to recuse Judge Kaitcer. The Court, having considered the objections is of the opinion that the objections should be DENIED. IT IS THEREFORE ORDERED that the Objection to Order of Assignment Dated May 6, 2025 and the Objection filed on April 29, 2025 are DENIED. SIGNED this 15th day of May, 2025. DAVID L. EVANS, PRESIDING JUDGE EIGHTH ADMINISTRATIVE JUDICIAL REGION 5 APP 1.2 TAB 2 6 322-744263-23 FILED TARRANT COUNTY 5/7/2025 3:07 PM THOMAS A. WILDER DISTRICT CLERK THE STATE OF TEXAS 8th ADMINISTRATIVE JUDICIAL REGION ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE Pursuant to Rule 18a, Texas Rules of Civil Procedure and Section 74.056, Texas Government Code, the undersigned Presiding Judge assigns the Honorable John H. Cayce, Senior Chief Justice, Second Court of Appeals, to the 322NDDISTRICTCOURT, TARRANT COUNTY, TEXAS. The judge is assigned to preside in the Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed by Charles Dustin Myers on April 25, 2025 and the First Amended Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed on April 28, 2025 in Cause Number 322-744263-23, styled In the Matter of the Marriage of Morgan Michelle Myers and Charles Dustin Myers and In the Interest of Mara Myers and Caroline Myers, Minor Children, to rule on all pending motions, supplemental, amended and or subsequent motions to recuse and/or disqualify Judge Munford and Judge Kaitcer in the above-referenced matter. This assignment is effective immediately and will continue as necessary to rule on this and any pending, supplemental, amended or subsequent motions to recuse and/or disqualify Judge Munford and Judge Kaitcer filed by Charles Dustin Myers. IT IS ORDERED that the clerk of the court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party to a case that is to be heard in whole or in part by the assigned judge. IT IS FURTHER ORDERED that the clerk, upon receipt hereof, shall post a copy of this order in a public area of the Clerk's office or courthouse so that attorneys and parties may be advised of this assignment. SIGNED this 6th day of May, 2025. cc: Honorable John H. Cayce Honorable James Munford District Clerk, Tarrant County File DAVID L. EVANS, PRESIDING JUDGE EIGHTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS 7 APP 2.1 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the

persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 100560059 Filing Code Description: No Fee Documents Filing Description: Status as of 5/7/2025 4:15 PM CST Case Contacts Name CHARLES MYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com coopercarter@majadmin.com csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 5/7/2025 3:07:58 PM 5/7/2025 3:07:58 PM 5/7/2025 3:07:58 PM Status SENT SENT SENT 8 APP 2.2 TAB 3 9 322-744263-23 FILED TARRANT COUNTY 4/29/2025 3:21 PM THOMAS A. WILDER DISTRICT CLERK CAUSE NUMBER: 322-744263-23 IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELLE MYERS AND CHARLES DUSTIN MYERS AND IN THE INTEREST OF MARA MYERS AND CAROLINE MYERS MINOR CHILDREN ) ) ) ) ) ) ) ) ) IN THE DISTRICT COURT TARRANT COUNTY, TEXAS 322ND JUDICIAL DISTRICT ORDER OF REFERRAL ON MOTION TO RECUSE AND FIRST AMENDED MOTION TO RECUSE On April 25, 2025, a Motion to Recuse filed by Charles Dustin Myers was delivered to the Associate Judge of this Court in the above styled and numbered cause. On April 28, 2025, a First Amended Motion to Recuse filed by Charles Dustin Myers was delivered to the Associate Judge of this Court in the above styled and numbered cause. The Associate Judge against whom the Motion to Recuse and the First Amended Motion to Recuse was filed hereby declines to recuse himself on both motions and hereby refers this matter to the Presiding Judge of the Eight Administrative Judicial District, Honorable David L. Evans, to decide the Motions. SIGNED this 21<sup>st</sup> day of May, 2025. ASSOCIATE JUDGE 10 APP 3.1

Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 100231239 Filing Code Description: No Fee Documents Filing Description: JK LETTER Status as of 4/29/2025 3:29 PM CST Case Contacts Name CHARLES MYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com coopercarter@majadmin.com csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 4/29/2025 3:21:53 PM 4/29/2025 3:21:53 PM 4/29/2025 3:21:53 PM Status SENT SENT SENT 11 APP 3.2 TAB 4 12 Canon 2 Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities A. A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. B. A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. C. A judge shall not knowingly hold membership in any organization that practices discrimination prohibited by law. APP 4.1 13 TAB 5 14 © Copyright 2025, vLex. All Rights Reserved. Copy for use in the context of the business of the vLex customer only. Otherwise, distribution or reproduction is not permitted Section 22.221. Writ Power Library: Government Code Edition: 2025 Currency: Current with legislation from the 2023 Regular and Special

Sessions signed by the Governor as of November 21, 2023. Citation: Tex. Gov't. Code § 22.221 Year: 2025 vLex Document Id: VLEX-1076432217 Link: <https://app.vlex.com/vid/section-22-221-writ-1076432217> May 18, 2025

22:51 1/2 APP 5.1 15 (a) Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court. (b) Subject to Subsection (c-1), each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district. (c) Each court of appeals for a court of appeals district, other than the Court of Appeals for the Fifteenth Court of Appeals District, may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against: (1) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; or (2) an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge. (c-1) The original jurisdiction of the Court of Appeals for the Fifteenth Court of Appeals District to issue writs is limited to writs arising out of matters over which the court has exclusive intermediate appellate jurisdiction under Section 22.220(d) . (d) Concurrently with the supreme court, the court of appeals of a court of appeals district in which a person is restrained in his liberty, or a justice of the court of appeals, may issue a writ of habeas corpus when it appears that the restraint of liberty is by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a civil case. Pending the hearing of an application for a writ of habeas corpus, the court of appeals or a justice of the court of appeals may admit to bail a person to whom the writ of habeas corpus may be granted. Cite as Tex. Gov't. Code § 22.221 History: Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 459 ,Sec. 1.06 , eff. 9/1/2023, app. to appeals perfected on or after September 1, 2024 . Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 1013 ,Sec. 2 , eff. 9/1/2017. Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 1013 ,Sec. 1 , eff. 9/1/2017. Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 740 ,Sec. 1 , eff. 9/1/2017. Amended By Acts 1995, 74th Leg., ch. 839 , Sec. 1 , eff. 9/1/1995. Amended By Acts 1991, 72nd Leg., ch. 58 , Sec. 1, eff. 5/2/1991 Amended By Acts 1987, 70th Leg., ch. 148 , Sec. 1.35, 2.03, eff. 9/1/1987 Amended by Acts 1987, 70th Leg., ch. 69 , Sec. 1, eff. 5/6/1987 Acts 1985, 69th Leg., ch. 480 , Sec. 1, eff. 9/1/1985. May 18, 2025 22:51 2/2 APP 5.2 16 TAB 6 17 Texas Government Code - SUBCHAPTER E: COURT COORDINATORS Sec. 74.101. COURT COORDINATORS. (a) The local administrative judge and each district or statutory county court judge may establish a court coordinator system and appoint a court coordinator for his court to improve justice and expedite the processing of cases through the courts. (b) Each court coordinator serves at the pleasure of the judge who appointed him. Added by Acts 1987, 70th Leg., ch. 148, Sec. 2.93(a), eff. Sept. 1, 1987. APP 6.1 18 TAB 7 19 Texas Government Code - SUBCHAPTER E: COURT COORDINATORS Sec. 74.102. DUTIES. (a) The courts by local administrative rule shall designate the duties of the court coordinators. (b) To promote uniform and efficient administration of justice

in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts. Added by Acts 1987, 70th Leg., ch. 148, Sec. 2.93(a), eff. Sept. 1, 1987. APP 7.1 20 TAB 8 21 © Copyright 2025, vLex. All Rights Reserved. Copy for use in the context of the business of the vLex customer only. Otherwise, distribution or reproduction is not permitted Rule 18a. Recusal and Disqualification of Judges Library: Texas Rules of Civil Procedure Edition: 2025 Currency: As amended through April 30, 2025 Year: 2025 Citation: Tex. R. Civ. P. 18a vLex Document Id: VLEX-1072477210 Link: <https://app.vlex.com/vid/rule-18a-recusal-and-1072477210> May 18, 2025 22:59 1/4 APP 8.1 22 (a)Motion; Form and Contents. A party in a case in any trial court other than a statutory probate court or justice court may seek to recuse or disqualify a judge who is sitting in the case by filing a motion with the clerk of the court in which the case is pending. The motion: (1) must be verified; (2) must assert one or more of the grounds listed in Rule 18b; (3) must not be based solely on the judge's ruling in the case; and (4) must state with detail and particularity facts that: (A) are within the affiant's personal knowledge, except that facts may be stated on information and belief if the basis for that belief is specifically stated; (B) would be admissible in evidence; and (C) if proven, would be sufficient to justify recusal or disqualification. (b)Time for Filing Motion. (1) Motion to Recuse. A motion to recuse:(A) must be filed as soon as practicable after the movant knows of the ground stated in the motion; and (B) must not be filed after the tenth day before the date set for trial or other hearing unless, before that day, the movant neither knew nor reasonably should have known: (i) that the judge whose recusal is sought would preside at the trial or hearing; or (ii) that the ground stated in the motion existed. (2) Motion to Disqualify. A motion to disqualify should be filed as soon as practicable after the movant knows of the ground stated in the motion. (c)Response to Motion. (1) By Another Party. Any other party in the case may, but need not, file a response to the motion. Any response must be filed before the motion is heard. (2) By the Respondent Judge. The judge whose recusal or disqualification is sought should not file a response to the motion. (d)Service of Motion or Response. A party who files a motion or response must serve a copy on every other party. The method of service must be the same as the method of filing. If possible. (e)Duty of the Clerk. (1) Delivery of a Motion or Response. When a motion or response is filed, the clerk of the court must immediately deliver a copy to the respondent judge and to the presiding judge of the administrative judicial region in which the court is located ( "the regional presiding judge" ). (2) Delivery of Order of Recusal or Referral. When a respondent judge signs and files an order of recusal or referral, the clerk of the court must immediately deliver a copy to the regional presiding judge. (f)Duties of the Respondent Judge; Failure to Comply. (1) Responding to the Motion. Regardless of whether the motion complies with this rule, the respondent judge, within three business days after the motion is filed, must either: (A) sign and May 18, 2025 22:59 23 APP 8.2 2/4 file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge. (2) Restrictions on Further Action. (A) Motion Filed Before Evidence Offered at Trial. If a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record. (B) Motion

Filed After Evidence Offered at Trial. If a motion is filed after evidence has been offered at trial, the respondent judge may proceed, subject to stay by the regional presiding judge. (3) Failure to Comply. If the respondent judge fails to comply with a duty imposed by this rule, the movant may notify the regional presiding judge. (g) Duties of Regional Presiding Judge. (1) Motion. The regional presiding judge must rule on a referred motion or assign a judge to rule. If a party files a motion to recuse or disqualify the regional presiding judge, the regional presiding judge may still assign a judge to rule on the original, referred motion. Alternatively, the regional presiding judge may sign and file with the clerk an order referring the second motion to the Chief Justice for consideration. (2) Order. The ruling must be by written order. (3) Summary Denial for Noncompliance. (A) Motion to Recuse. A motion to recuse that does not comply with this rule may be denied without an oral hearing. The order must state the nature of the noncompliance. Even if the motion is amended to correct the stated noncompliance, the motion will count for purposes of determining whether a tertiary recusal motion has been filed under the Civil Practice and Remedies Code. (B) Motion to Disqualify. A motion to disqualify may not be denied on the ground that it was not filed or served in compliance with this rule. (4) Interim Orders. The regional presiding judge or judge assigned to decide the motion may issue interim or ancillary orders in the pending case as justice may require. (5) Discovery. Except by order of the regional presiding judge or the judge assigned to decide the motion, a subpoena or discovery request may not issue to the respondent judge and may be disregarded unless accompanied by the order. (6) Hearing. (A) Time. The motion must be heard as soon as practicable and may be heard immediately after it is referred to the regional presiding judge or an assigned judge. (B) Notice. Notice of the hearing must be given to all parties in the case. (C) By Telephone. The hearing may be conducted by telephone on the record. Documents submitted by facsimile or email, otherwise admissible under the rules of evidence, may be considered. (7) Reassignment of Case if Motion Granted. If the motion is granted, the regional presiding judge must transfer the case to another court or assign another judge to the case. (h) Sanctions. After notice and hearing, the judge who hears the motion may order the party or attorney who filed the motion, or both, to pay the reasonable attorney fees and expenses incurred by other parties if the judge determines that the motion was: May 18, 2025 22:59 24 APP 8.3 3/4 (1) groundless and filed in bad faith or for the purpose of harassment, or (2) clearly brought for unnecessary delay and without sufficient cause. (i) Chief Justice. The Chief Justice of the Supreme Court of Texas may assign judges and issue any orders permitted by this rule or pursuant to statute. (j) Appellate Review. (1) Order on Motion to Recuse. (A) Denying Motion. An order denying a motion to recuse may be reviewed only for abuse of discretion on appeal from the final judgment. (B) Granting Motion. An order granting a motion to recuse is final and cannot be reviewed by appeal, mandamus, or otherwise. (2) Order on Motion to Disqualify. An order granting or denying a motion to disqualify may be reviewed by mandamus and may be appealed in accordance with other law. Cite as Tex. R. Civ. P. 18a May 18, 2025 22:59 25 APP 8.4 4/4 22

CERTIFICATE OF SERVICE Relator certifies that on May 19, 2025, a true and correct copy of the foregoing MANDAMUS APPENDIX was served on all parties and counsel of record as follows: Respondent Real Party in Interest Hon. David L. Evans Morgan Michelle Myers Presiding Regional Judge Via



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as of 5/19/2025 11:58 AM CST Case Contacts Name Cooper Carter Holly  
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APPOINTED RETIRED JUSTICE JOHN H. CAYCE 1 NO. 25-\_\_\_ IN THE  
SUPREME COURT OF TEXAS In Re: Charles Dustin Myers, Relator Original  
Proceeding from the 322nd District Court Tarrant County, Texas Hon. John  
H. Cayce, Jr. Presiding by Assignment PETITION FOR WRIT OF  
MANDAMUS Respectfully submitted by: Charles Dustin Myers, Relator  
817-546-3693 CHUCKDUSTIN12@GMAIL.COM Denton County, Texas  
EMERGENCY STAY REQUESTED FILED 25-0458 5/27/2025 1:09 PM  
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5 STATEMENT OF THE CASE Nature of Underlying Proceeding: This original proceeding arises from a divorce action, No. 322-744263-23, pending in the 322nd District Court of Tarrant County, Texas. The Relator initiated recusal proceedings under Texas Rule of Civil Procedure 18a, which were handled in a manner which deviated outside of Rule 18a’s requirements. See 25-0426. The current petition addresses the summary denial of the recusal motion and highlights a broader pattern of systemic failures below. Respondent Judge: The Respondent Judge, Honorable John H. Cayce, Jr., is the presiding Judge of the 322nd District Court of Tarrant County by assignment from the Regional Presiding Judge of the 8th Administrative Judicial Region of Texas. Respondent’s Challenged Actions: Respondent’s summary denial of the Relator’s recusal motion was an abuse of discretion because it came after the failure of the Respondent and Regional Presiding judges to comply with Rule 18a of the Texas Rules of Civil Procedure. The quick decision denied a motion which was never filed, and the provided reasoning does not comport with the face of the motion, and was made to prevent mandamus review of case number 25-046, leaving the Relator without an appellate remedy to address the issues. 6 Statement of Jurisdiction This Petition for Writ of Mandamus is originally filed in the Supreme Court of Texas, which possesses concurrent jurisdiction to issue writs of mandamus against assigned judges pursuant to Article V, Section 3 of the Texas Constitution and Texas	

Government Code § 22.002(a). The compelling reason that this mandamus has been brought before this Honorable Court prior to being adjudicated in the Second Court of Appeals is because the error alleged could affect the four concurrent mandamus petitions pending with the same parties or otherwise could impede this Court's ability to properly adjudicate them, justifying this Mandamus to "enforce [the Court's] jurisdiction" as permitted by Tex. Const. art. 5 § 3. The mandamus is necessary to protect or enforce the Supreme Court's jurisdiction over the pending petitions.<sup>1</sup> 1 See 25-0361, 25-0367, 25-0378, and 25-0426. 7 ISSUES PRESENTED Issue No. 1: The Respondent abused his discretion when summarily denying the Relator's recusal motion without a hearing and for reasons that do not comport with the motion filed. Issue No. 2: The compounding issues in this matter reveal a pattern of conduct that has broader implications for the Texas Legal System if not resolved and have perpetuated the lack of an appellate remedy. 8

STATEMENT OF FACTS On April 28, 2025, the Relator filed a First Amended Motion to Recuse, naming Honorable James Munford of the 322nd District Court of Tarrant County as the respondent judge (MR 1). In the motion, starting on page 19, the Relator referenced the prior recusal proceedings initiated on October 7, 2024, highlighting a four-month delay between when the first motion to recuse was ruled on versus when the judges were reinstated into the case due to the involvement of the court coordinator. (MR 1.19-1.20). In the next section of the motion underneath the header "IV. PROCEDURE", the Relator reiterated the correct recusal process pursuant to Rule 18a of the Texas Rules of Civil Procedure and specifically objected to any involvement of the court coordinator in the process in the current recusal proceedings. (MR. 1.20) The following day, after receiving receipt of the referral orders from the court coordinator of the 322nd District Court of Tarrant County, including one from Honorable Kaitcer (MR 2, MR 3), the Relator filed an Objection – Procedural Handling, where he raised attention to two key issues: "...a judge who was never implicated in the present recusal motion has inexplicably involved himself without justification, the court coordinator improperly continues to perform roles for which she has no lawful authority..." (MR 4.3) On May 6, 2025, an order of assignment was issued by the Honorable David L. Evans of the 8th Administrative Judicial Region of Texas appointing "Honorable 9 John H. Cayce, Senior Chief Justice, Second Court of Appeals to the 322nd District Court of Tarrant County", and on the face of this order, the District Clerk, Honorable James Munford, and the appointed judge were CC'ed (MR 5). The order also stated "[t]he judge is assigned to preside in the Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed by Charles Dustin Myers on April 25, 2025, and the First Amended Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed on April 28, 2025 in Cause Number 322-744263-23..." In response, an Objection to the Order of Assignment Dated May 6, 2025, was filed complaining of the same two primary issues: 1) the involvement of the court coordinator and 2) the erroneous order of referral issued by Hon. Kaitcer. (MR 6) Specifically, it was stated: "...the Amended Recusal Motion filed on April 28, 2025, named only the Honorable James Munford as the judge whose recusal was sought. It did not seek the recusal of the Honorable Jeffrey Kaitcer." (MR 6.2 at 2) and: "Despite Respondent's objections, the Court Coordinator for the 322nd District Court has continued to be involved in the administrative handling and communication regarding these recusal proceedings." (MR 6.2 at 5) On

May 15, 2025, the Regional Presiding Judge issued an order overruling the Relator's complaints, leading to mandamus petition 25-0426 before this Honorable Court filed on May 19, 2025 (MR 8). The very next day, two orders 10 were issued by Honorable John. H. Cayce, Jr., the Respondent judge named herein, summarily denying the recusal motion (APP 1, APP 2). Specifically, the first order issued by the Respondent found that Relator's motion was: "...based solely on the judge's rulings in the case under Tex. R. Civ. P. 18a (a) (3), and, even assuming they are not, the motions fail to state with detail and particularity facts that are within the affiant's personal knowledge, or on information and belief, that would be admissible in evidence and that, if proven, would be sufficient to justify recusal of Judge Munford on any ground specified in Tex. R. Civ. P. 18b (b), as required by Tex. R. Civ. P. 18a (a)(4)." (APP 1.1) The second order was an order denying the recusal of Hon. Jeffrey Kaitcer, where it was stated: "After reviewing the motion and amended motion, as well as the Objection to Order of Assignment dated May 6, 2025 in which the movant claims that he did not file a motion to recuse Associate Judge Kaitcer, I find that, based on the substance of said motions and movant's own admission that he is not seeking to recuse Associate Judge Kaitcer, the referred motion and amended motion do not comply with Tex. R. Civ. P. 18a (a)." (APP 2.1) Both orders were transmitted by the court coordinator via informal email (APP 1.2, APP 2.2). The following day, on May 21, 2025, the Relator filed a Notice of Intent to File Mandamus, highlighting his intent to challenge these orders and providing the trial court with an opportunity to correct the error and schedule the matter for a hearing out of respect (MR 9). Specifically, the Relator stated that: "The [Relator] correctly invoked Texas Rule of Civil Procedure 18a(f)(3) by filing a timely objection to procedural deviations in the administration of the recusal proceedings." (MR 9.5) 11 Specifically, after outlining the correct recusal process pursuant to Rule 18a, the Relator stated that: "The Court's decision to summarily deny the motion to recuse Hon. James Munford and also summarily deny a motion that was never filed raises the question as to what motion the court was reviewing, and if it was a true and accurate copy of the motion as filed with the clerk of the court." (MR 9.6) And highlighted that: "...the ruling on a motion which was never filed came after the involvement of the court coordinator who serves at the pleasure of the same Judge subject to recusal." (MR 9.7) In the absence of any corrective measures or guidance from the lower court, and with no active opposition or available appellate remedy, the Relator has now prepared this petition for a writ of mandamus. This submission represents the fifth concurrent mandamus petition before this Honorable Court, and the sixth overall, revealing a pattern. The initial issues remain unresolved, and five additional issues have been introduced. The only guidance received has been in the form of nine per curiam denials from the Second Court of Appeals.<sup>2</sup> 2 See *In re C.M.*, No. 02-24-00149-CV (Tex. App.—Fort Worth Apr. 10, 2024) (per curiam) (denial of petition for writ of mandamus & motion for emergency relief); *In re C.M.*, No. 02-24-00149-CV (Tex. App.—Fort Worth Apr. 25, 2024) (per curiam) (denial of motion for rehearing); *In re C.M.*, No. 02-24-00149-CV (Tex. App.—Fort Worth May 2, 2024) (per curiam) (denial of motion for en banc reconsideration); *In re Charles Dustin Myers*, No. 02-25-00164-CV (Tex. App.—Fort Worth Apr. 11, 2025) (per curiam) (denial of petition for writ of mandamus & motion for emergency relief); *In re Charles Dustin Myers*, No. 02-25-00166-CV (Tex. App.—Fort Worth Apr. 15,

2025) (per curiam) (denial of petition for writ of mandamus & emergency motion to stay proceedings); In re Charles Dustin Myers, No. 02-25-00171-CV (Tex. App.—Fort Worth Apr. 17, 2025) (per curiam) (denial of petition for writ of mandamus & request for 12 TO THE HONORABLE SUPREME COURT OF TEXAS: The essence of this case is encapsulated in a single, profound word: accountability. The journey of the Relator, CHARLES DUSTIN MYERS, is not one of a mere pro-se litigant fumbling through the legal system, but rather that of a devoted father and relentless advocate for his children, M.E.M. and C.R.M. This is a man who, having been stripped of everything at the outset, stands before this Court with nothing left to lose and everything to gain by zealously advocating on behalf of his minor children while upholding Texas law established by this very institution. This endeavor is not an affront to the judiciary, but a clarion call to recognize the lengths to which the Relator has gone to draw awareness to the fact that he has no opponent – only time. That he has not made excuses, but rather diligently pursued his rights in accordance with Texas laws and procedure to the best of his ability. This Petition, alongside the concurrent proceedings docketed under cause numbers 25- 0361, 25-0367, 25-0378, and 25-0426 reflect an ongoing procedural disaster that should have been dismissed months ago for want of prosecution. Nevertheless, the Relator now turns to the ripest issue. emergency relief); In re Charles Dustin Myers, No. 02-25-00166-CV (Tex. App.—Fort Worth Apr. 24, 2025) (per curiam) (denial of motion for en banc reconsideration); In re Charles Dustin Myers, No. 02-25-00164-CV (Tex. App.—Fort Worth May 1, 2025) (per curiam) (denial of motion for en banc reconsideration); In re Charles Dustin Myers, No. 02-25-00171-CV (Tex. App.—Fort Worth May 1, 2025) (per curiam) (denial of motion for en banc reconsideration). 13 INTRODUCTION The trial court below, the Real Party, and all Honorable Respondents collectively named herein have remained silent on the compounding issues before this Court, a common theme across all five mandamus petitions. The reason this web of procedural violations exists to begin with is due to their fraudulent inducement by the Real Party. Instead of taking judicial action on these significant claims supported by hundreds of pages of supporting documentation that remain un-opposed, and instead of acting sua sponte to prevent the ongoing damage to the parent-child relationship, the Relator's business operations, and to effectuate longoverdue justice, each Respondent named in these petitions has played their part in a broader pattern of systemic failure that seems to be derived from one singular line of reasoning: the Relator is representing himself pro-se. This bias has proven to be so significant that it has affected the decision making process across two district courts, administrative proceedings, and has condoned silence from an attorney who has not performed her duties diligently as the Relator seeks redress. This bias is misplaced and must be set aside so these matters can be dealt with from a legal perspective in accordance with Texas law. It is imperative that this Court stay these proceedings which will restore the rights of the Relator and allow for a comprehensive review of the issues at hand, as the the Relator possesses no corrective appellate or administrative remedy. 14 ARGUMENT I. Standard of review Mandamus is an extraordinary remedy available only in situations involving manifest and urgent necessity and not for grievances that may be addressed by other remedies. To obtain mandamus relief in Texas, a relator must satisfy a well-established two-prong test by demonstrating: (1) that the lower court

committed a clear abuse of discretion and (2) that there is no adequate remedy at law, such as a normal appeal. The matter of *In re Prudential Ins. Co. of America*, 148 S.W.3d 124, (Tex. 2003) established this standard, stating: "Mandamus is an extraordinary remedy available 'only in situations involving manifest and urgent necessity and not for grievances that may be addressed by other remedies.' (quoting *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex.1992)). To obtain mandamus relief, the relator must satisfy a two-prong test. Relator must demonstrate (1) that the lower court committed a clear abuse of discretion (2) for which there is no adequate remedy at law, such as a normal appeal." *Id.* at 839-40. A party establishes that its appellate remedy is inadequate by showing that it is in real danger of permanently losing its substantial rights. *Perry v. Del Rio*, 66 S.W.3d 239, 257 (Tex.2001); *Walker*, 827 S.W.2d at 842; *Canadian Helicopters, Ltd. v. Wittig*, 876 S.W.2d 304, 15 306 (Tex.1994). That is precisely the present matter at hand, as explained in more detail below.

II. The Respondent abused his discretion when summarily denying the Relator's recusal motion without a hearing and for reasons that do not comport with the motion filed. Rule 1 of the Texas Rules of Civil Procedure states that the proper objective of the rules is "to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law." See also *Taylor v. Taylor* (Tex. App. 2001). When a court fails to comply with Rule 18a, this would undermine this objective, and the case may be remanded on appeal to ensure proper procedures are followed. *Ex parte Sinegar*, 324 S.W.3d 578 (Tex. Crim. App. 2010) illustrates this consequence, where the court remanded the case "for the trial judge to rule on applicant's motion to recuse pursuant to Rule 18a(c)." As emphasized in *In re Union Pacific Resources Co.*, 969 S.W.2d 427 (Tex. 1998) and *Spigener v. Wallis*, 80 S.W.3d 174 (Tex. App. 2002) both emphasize that the erroneous denial of a recusal motion "is not fundamental error and can be waived if not raised by proper motion." This suggests that parties must be diligent in objecting to Rule 18a violations and preserving the issue for appeal. In other words, parties may seek mandamus relief to compel compliance with Rule 18a, as demonstrated in *In re Thompson*, 330 S.W.3d 411 (Tex. App. 2010) and *In re Amir- Sharif*, NUMBER 13-19-00573-CV (Tex. App. Dec 12, 2019).

16 Here, the Relator objected to the deviations from the clear process of Rule 18a, the court overruled it, leading to cause number 25-0426 to seek compliance with the rule, and then after receiving receipt of this challenge, the court proceeded to use the same rule to summarily deny relief with reasoning that cannot be attributed to the motion as submitted. As stated in the Notice to Intent to File Mandamus: "While the Respondent respects this court's engagement, the reasoning provided does not comport with the face of the motion. The bookmarks provided in the PDF alone provide clear grounds for recusal that are not solely based on the judge's rulings" (MR 9.6-9.7) The fact that a second order denying a motion that was never filed was ruled on strongly supports that the involvement of the court coordinator has caused ambiguity in the recusal process, lead to orders that do not comport with the substance of the motion, and the summary denials appear to be an attempt to prevent mandamus adjudication. When a trial court creates an appearance of impartiality, which is what has occurred here, the entire purpose of the recusal proceedings becomes undermined, and the Relator now faces serious risk of losing his substantial rights to property, the liberty interest of his children, and the right to a fair and impartial tribunal. The

entire purpose of the recusal proceedings were. The bookmarks provided in the PDF alone provide clear grounds for recusal that are not solely based on the judge's rulings. 17 III. The compounding issues in this matter reveal a pattern of conduct that has broader implications for the Texas Legal System if not resolved, and have perpetuated the lack of an appellate remedy. There are a few distinct facts on the face of the record provided that raise significant concerns about how the recusal process was handled, revealing a broader pattern that threatens the impartiality of the Texas judiciary. First, the order of assignment dated May 6, 2025, only had Hon. James Munford, the Clerk of the Court, and the Respondent named therein CC'ed. (MR 5.1) If the court truly believed a motion to recuse Honorable Jeff Kaitcer was filed, then why wouldn't they have included him in the correspondence? Second, the order of referral signed by Hon. Jeff Kaitcer stated: "On April 25, 2025, a Motion to Recuse filed by Charles Dustin Myers was delivered to the Associate Judge of this Court." Between the person who delivered the motion, the Associate Judge himself, the Regional Presiding Judge, and the Assigned Judge – the motion could not have been properly reviewed, because if it had been – it would have been clearly established that the motion did not seek the recusal of Hon. Jeff Kaitcer. A cursory review of the motion establishes this fact in several areas, including on page 22 of the motion (MR. 1.22), in the Prayer for Relief (MR. 1.34), and in the Affidavit (MR. 1.36). Finally, because of the way that these recusal proceedings were handled in comparison to the prior recusal proceedings, serious concerns regarding the 18 impartiality of the tribunal remain in question. As stated in the amended motion to recuse as originally filed regarding the prior recusal proceedings: "James Munford had to amend his initial referral order due to procedural abnormalities revolving the court coordinator and tampering with documents due to alleged file size." (MR 1.12)(emphasis added) This is not a minor error. This is significant, because the motion as submitted was stripped of the hyperlinks, bookmarks, and was non text-searchable after the coordinator became involved, and had its' affidavit and exhibits removed. It was only after pointing out these errors that the reasoning changed, and the motion was then was split into three parts due to the motion's apparent size in an amended order of referral. These actions create an appearance of impartiality and deviates from the standard recusal protocol pursuant to Rule 18a, which is why the Relator objected to the involvement of the coordinator in these current proceedings to begin with in the motion itself (MR 1.20). The court should have sustained the objection and held a hearing on the recusal matters once the threshold issues were resolved. Instead, it chose to introduce ambiguity into this process and stray from the rules.

**CONCLUSION** The record before this Court illuminates a judicial landscape where procedural safeguards have been systematically dismantled, leaving in their wake a hollow shell of what due process demands. When a court coordinator—who serves 19 at the pleasure of the very judge subject to recusal—inserts herself into proceedings explicitly designed to be free from such influence, the foundation of impartiality crumbles. When orders reference motions never filed, deny hearings explicitly required by law, and mischaracterize the very substance of pleadings properly before the court, we witness not mere oversight but the collapse of procedural integrity. The pattern revealed across five concurrent mandamus petitions transcends isolated error. It manifests a judicial environment where a pro se litigant's rights have been subordinated to expediency, where silence has become the

response to substantiated allegations, and where the machinery of justice grinds forward without the lubricant of fairness or the compass of law. The uncontested record demonstrates that at every critical juncture, Rule 18a's requirements have been selectively applied, creating an impenetrable maze where appellate remedies vanish into procedural dead ends. What stands before this Court is not merely a technical violation of recusal procedures, but the systematic erosion of the bedrock principles upon which our judicial system rests. When a father seeking nothing more than the protection of his relationship with his children is met with procedural barriers erected by the very institutions designed to safeguard those relationships, the damage extends beyond a 20 single case. It reaches into the public's perception of whether justice remains accessible to all, regardless of representation status. The absence of opposition to these proceedings speaks volumes. In this silence lies tacit acknowledgment that the procedural labyrinth created below cannot be defended on its merits. The unrefuted record demonstrates that the Relator has diligently pursued every available avenue for redress, only to find each path obstructed by deviations from established procedure. This Court now stands as the final bulwark against the perpetuation of a process that has strayed so far from its statutory moorings that it threatens to become unrecognizable. The fact of the matter remains: no response has been issued. No opposition to the relief being requested, including the emergency stays submitted in cause numbers 25-0361 and 25-0426, has been filed. Therefore, the proceedings below should be stayed, not merely to correct the trajectory of a single case, but to reaffirm that in Texas, procedural rules are not mere suggestions to be selectively followed, but to prevent further errors from occurring pending review, to restore the parent-child bond, and allow for a comprehensive review of all five petitions. The Relator remains committed to resolving these matters and has filed each petition with good intention. He seeks to restore what was wrongfully taken from him, which does not threaten the rights of any participant in this matter, and would serve the children's best interests. 21 By staying these proceedings, Texas' essential architecture of justice itself is preserved pending review, and the rights of the Relator would be restored, the public Policy will be upheld. The integrity of our judicial system and the children in this matter demand no less. PRAYER WHEREFORE, ALL PREMISES CONSIDERED, the Relator, CHARLES DUSTIN MYERS, respectfully prays that this Honorable Court provide the following relief: 1. Grant the emergency stay filed in cause number 25-0426 pending mandamus review to stay the administrative proceedings; 2. Grant the emergency stay filed in cause number 25-0361 pending mandamus review to stay the trial court proceedings; 3. Consider granting the Third Amended Motion to Consolidate that will follow the submission of this Petition for Writ of Mandamus to provide a more streamlined review of the issues; 4. After review, issue mandamus against the Respondent judge named herein, compelling him to vacate the Orders Summarily Denying the First Amended Motion to Recuse the Honorable James Munford, thereby preserving this court's jurisdiction regarding cause number 25-0426; 22 5. Grant any additional equitable or special relief that this Honorable Court deems just and proper under the circumstances. Respectfully submitted, /s/ Charles Dustin Myers CHARLES DUSTIN MYERS CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE RELATOR 23 Certification (TRAP 52.3(j)) Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator,



representing himself in his own individual capacity, and upon his oath, stated that (i) he is self-represented in this cause in the underlying suit, 322nd Judicial District Court, Tarrant County, Cause No.322- 744263-23; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record; and (3) he has personal knowledge that the items in the appendix and record are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, or orders signed by the trial court in the underlying suit. The Relator states that no live testimony has been adduced in this matter, nor has any evidence been offered or admitted. 05/26/2025 State of Texas County of Collin County Sworn to and subscribed before me on 05/26/2025 by Charles Dustin Myers. Electronically signed and notarized online using the Proof platform. CHARLES DUSTIN MYERS 24 Certificate of Compliance (TRAP 9.4(i)(3)) I certify that this Petition for Writ of Mandamus complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 3431 words. NO. 25-\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus from the 322nd Judicial District Court, Tarrant County Trial Court Cause 322-744263-23 Original Proceeding Hon. John H. Cayce, Jr. Presiding by Assignment RELATOR'S APPENDIX Respectfully submitted by: Charles Dustin Myers, Relator Charles Dustin Myers Chuckdustin12@gmail.com 817-546-3693 Pro-Se 25 TABLE OF CONTENTS TAB# ITEM  
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TAB 1 27 CAUSE NO. 322-744263-23 IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELE MYERS AND CHARLES DUSTIN MYERS § § § § § § AND IN THE INTEREST OF MARA § MYERS AND CAROLINE MYERS, § MINOR CHILDREN § IN THE DISTRICT COURT TARRANT COUNTY, TEXAS 322nd JUDICIAL DISTRICT ORDER SUMMARILY DENYING MOTION FOR RECUSAL Before me is an Order of Referral from the Honorable James B. Munford signed April 29, 2025, referring a Motion to Recuse and First Amended Motion to Recuse filed by Charles Dustin Myers in the above-referenced matter. After reviewing the motion and amended motion, I find that the motion and amended motion are based solely on the judge's rulings in the case under Tex. R. Civ. P. 18a (a) (3), and, even assuming they are not, the motions fail to state with detail and particularity facts that are within the affiant's personal knowledge, or on information and belief, that would be admissible in evidence and that, if proven, would be sufficient to justify recusal of Judge Munford on any ground specified in Tex. R. Civ. P. 18b (b), as required by Tex. R. Civ. P. 18a (a)(4). THEREFORE, having concluded that the motion and amended motion seeking to recuse Judge Munford fail to comply with Tex. R. Civ. P. 18a (a), I summarily deny the motions in this matter, without a hearing, pursuant to Tex. R. Civ. SIGNED this 19th day of May, 2025. 1 Page 1 of 1 322-744263-23 FILED TARRANT COUNTY 5/20/2025 10:22 AM THOMAS A. WILDER DISTRICT CLERK APP 1.1 28 Lindsey K. Baker From: Lindsey K. Baker Sent: Monday, May 19, 2025 3:50 PM To: Subject: FUDSTOP; Cooper Carter; 'CSD-LEGAL-914@TEXASATTORNEYGENERAL.GOV' Myers 322-744263-23

Attachments: 322-744263-23 Myers - Order Summarily Denying Motion for Recusal as to Judge Munford.pdf; 322-744263-23 Myers - Order Summarily Denying Motion for Recusal as to Judge Kaitcer.pdf Attached is an Order Summarily Denying Motion for Recusal as to Judge Munford and an Order Summarily Denying Motion for Recusal as to Judge Kaitcer in the above-referenced case. Thank you. L~13akev 322nd Court Coordinator Tarrant County Family Law Center 200 E. Weatherford, 4th floor Fort Worth, Texas 76196 Phone: (817) 884-1597 1 APP 1.2 29 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 101040714 Filing Code Description: No Fee Documents Filing Description: Status as of 5/20/2025 2:17 PM CST Case Contacts Name CHARLES MYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com coopercarter@majadmin.com csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 5/20/2025 10:22:59 AM 5/20/2025 10:22:59 AM 5/20/2025 10:22:59 AM Status SENT SENT SENT APP 1.3 30 TAB 2 31 CAUSE NO. 322-744263-23 IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELE MYERS AND CHARLES DUSTIN MYERS § § § § § § § AND IN THE INTEREST OF MARA § MYERS AND CAROLINE MYERS, § MINOR CHILDREN § IN THE DISTRICT COURT TARRANT COUNTY, TEXAS 322nd JUDICIAL DISTRICT ORDER SUMMARILY DENYING MOTION FOR RECUSAL Before me is an Order of Referral from the Honorable Jeffrey N. Kaitcer signed April 29, 2025, referring a Motion to Recuse and First Amended Motion to Recuse filed by Charles Dustin Myers in the above-referenced matter. After reviewing the motion and amended motion, as well as the Objection to Order of Assignment dated May 6, 2025 in which the movant claims that he did not file a motion to recuse Associate Judge Kaitcer, I find that, based on the substance of said motions and movant's own admission that he is not seeking to recuse Associate Judge Kaitcer, the referred motion and amended motion do not comply with Tex. R. Civ. P. 18a (a). THEREFORE, having concluded that the motion and amended motion referred by Judge Kaitcer do not comply with Tex. R. Civ. P. 18a (a), I summarily deny the motions in this matter, without a hearing, pursuant to Tex. R. Civ. P. 18a,(g (3)(A). SIGNED this 19th day of May, 2025 Page 1 of 1 322-744263-23 FILED TARRANT COUNTY 5/20/2025 10:22 AM THOMAS A. WILDER DISTRICT CLERK APP 2.1 32 Lindsey K. Baker From: Sent: Lindsey K. Baker Monday, May 19, 2025 3:50 PM To: Subject: FUDSTOP; Cooper Carter; 'CSD-LEGAL-914@TEXASATTORNEYGENERAL.GOV' Myers 322-744263-23 Attachments: 322-744263-23 Myers - Order Summarily Denying Motion for Recusal as to Judge Munford.pdf; 322-744263-23 Myers - Order Summarily Denying Motion for Recusal as to Judge Kaitcer.pdf Attached is an Order Summarily Denying Motion for Recusal as to Judge Munford and an Order Summarily Denying Motion for Recusal as to Judge Kaitcer in the above-referenced case. Thank you. L 13aker 322nd Court Coordinator Tarrant County Family Law Center 200 E. Weatherford, 4th floor Fort Worth, Texas 76196 Phone: (817) 884-1597 1 APP 2.2 33 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling

system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 101040714 Filing Code Description: No Fee Documents Filing Description: Status as of 5/20/2025 2:17 PM CST Case Contacts Name CHARLES MYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com coopercarter@majadmin.com csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 5/20/2025 10:22:59 AM 5/20/2025 10:22:59 AM 5/20/2025 10:22:59 AM Status SENT SENT SENT APP 2.3 34 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below: Envelope ID: 101277699 Filing Code Description: Petition Filing Description: Petition for Writ of Mandamus Status as of 5/27/2025 2:47 PM CST Case Contacts Name Honorable John H.Cayce Morgan MichelleMyers CHARLES DMYERS Holly Hayes BarNumber Email thkemp@tarrantcounty.com morganmw02@gmail.com CHUCKDUSTIN12@GMAIL.COM csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 5/27/2025 1:09:35 PM 5/27/2025 1:09:35 PM 5/27/2025 1:09:35 PM 5/27/2025 1:09:35 PM Status SENT SENT SENT SENT MANDAMUS 2: ASSOCIATE JUDGE KATE STONE 1 NO. 25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 233rd Judicial District Court, Tarrant County Cause No. 233-765358-25 On Mandamus Review from Cause No. 02-25-00164-CV in the Second District Court of Appeals, Fort Worth, Texas Hon. Kate Stone Presiding PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 FILED 25-0367 5/2/2025 12:02 PM tex-100376468 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers chuckdustin12@gmail.com Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Respondent Hon. Kate Stone Associate Judge 233rd District Court, Tarrant County, Texas adwierzbicki@tarrantcountytexas.gov Tel.: 817-884-1197 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter coopercarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; 3 TABLE OF CONTENTS Identity of Parties and Counsel ..... 2 Table of Contents ..... 3 Index of Authorities ..... 4-5 Statement of the Case ..... 6 Statement of Jurisdiction ..... 7 Issues Presented ..... 8 Statement of Facts ..... 9-10 Introduction ..... 11 Argument ..... 12 A. STANDARD OF REVIEW ..... 12-13 B. JUDICIAL INACTION VIOLATES DUE PROCESS AND FUNDAMENTAL

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Jurisprudence (Jan. 2025) ..... 10 Texas Homeschool Coalition Report

(April 2020) ..... 9,16 6 Statement of the Case Nature of

Underlying Proceeding: This original SAPCR was initiated to escape a  
dormant divorce suit to obtain emergency relief for the children named in  
this matter on March 19, 2025. There is a closely related case before this  
court (25- 0361) that spells out the series of events leading up to the facts  
supporting this Mandamus petition. The Second Court of Appeals denied  
mandamus relief on April 11, 2025, and denied En Banc Reconsideration on  
May 1, 2025. This Mandamus followed. Respondent Judge: The Respondent  
Judge, Honorable Kate Stone, is the presiding Associate Judge of the 233rd  
District Court of Tarrant County, Texas. Her office is located at Family Law  
Center 200 E. Weatherford St. 5th Floor, Fort Worth, TX 76196-0230.

Respondent's Challenged Inaction: On March 28,2025, the Respondent  
refused to hear the Relator's properly filed emergency TRO and turned him  
away from the courtroom. Three weeks later, the emergency materialized,  
resulting in a dental emergency sustained by the youngest child named in  
this matter. 7 Statement of Jurisdiction

STATEMENT OF JURISDICTION This  
Honorable Court has jurisdiction to consider this original proceeding for  
writ of mandamus. Tex. Const. art. V, § 3(a); Tex. Gov't Code § 22.002. 8

Issues Presented Issue No. 1: Did the Respondent Judge clearly abuse her  
discretion by refusing to hear or rule upon Relator's properly filed  
emergency motion, thereby failing to perform a ministerial duty and leaving  
the Relator without an adequate appellate remedy? Issue No. 2: Does the  
pattern of judicial inaction in this case, including the appellate court's  
unexplained denial of relief, warrant intervention by this Court to uphold  
due process, protect fundamental parental rights, and maintain public

confidence in the judiciary? 9 PRIOR STATEMENT OF FACTS

INCORPORATED Relator incorporates the statement of facts, mandamus record, and appendix filed in the Petition for Writ of Mandamus

(02-25-00164-CV) which was denied per curiam on April 11, 2025, and again on May 1, 2025, by the Second Court of Appeals. STATEMENT OF FACTS

There is a broader systemic issue facing the Texas judiciary that warrants this Court's careful attention. In 2020, an analysis by the Texas Home School Coalition reviewed all Texas appellate cases involving parental-presumption challenges (post-Troxel v. Granville) and found courts "failed to protect parents' constitutional rights more than 78% of the time" in certain contested suits.<sup>1</sup> That report warned of a "systematic trampling" of parental rights. In practical terms, family courts have been accused of issuing temporary orders that strip parents of custody or visitation rights without the evidentiary safeguards or signed findings usually mandated by statute (e.g. without findings on endangerment or notice of rights). Such patterns of perceived overreach erode trust: if parents feel judges routinely ignore law and deny due process, confidence in "fairness" drops. In late 2023 this Court agreed to review Stary v. Ethridge, a case where a mother received a lifetime protective order barring contact with her children, even 1 <https://thsc.org/texas-courts-ignoring-parental-rights/#:~:text=The%20result%3F10> though her parental rights had not been terminated. The Stary case highlights dueprocess concerns: critics note that standard protective-order proceedings use a lower evidentiary standard (preponderance) and do not include termination-like warnings or appointed counsel. In Stary, what began as a temporary ex-parte order became a permanent ban without a termination hearing. The appeal argues this is effectively a hidden termination of parental rights without the stringent safeguards (clear-andconvincing evidence, written findings) normally required. Such high-profile instances—where a parent loses access permanently, yet no termination suit is ever filed—raise alarm among family law observers and fuel public anxiety that courts may be misusing protective orders to sidestep due process. Texas has enjoyed above-50% confidence in courts for decades (52% in 1998, 60% in 2018) However, recent signals point downward. National polls (Gallup, NCSC) and Texas legislative testimony suggest current trust/satisfaction is significantly lower - in the mid-40s to 50s percentage range.<sup>2</sup> High-profile cases (like Stary) and media reports (e.g. the ACLU's Jackson case) highlight these problems, reinforcing the perception that Texas family courts sometimes act without accountability. In this case, the problem rests with the judiciary itself. The important question here is whether this Court will act and address the issues presented below. 2

HOUSE COMMITTEE ON JUDICIARY AND CIVIL JURISPRUDENCE

JANUARY 2025 11 INTRODUCTION Justice dies in silence. For fourteen months, this father has shouted into judicial chambers only to receive echoes of inaction and per curiam denials devoid of explanation. This is no ordinary dispute—it is a test of judicial integrity. When a trial court abdicates its duty and appellate courts hide behind unexplained refusals to intervene, the system itself fractures. The issues presented go beyond the merits of a single mandamus petition. The record speaks loudly and clearly for itself. But the deeper wound here is systemic: a court system that permits fundamental rights—parental rights at the core of our constitutional values—to be stripped without notice, hearing, or statutory findings, undermines the rule of law itself. See 25-0361. The silence of these courts

does more than compound procedural errors. It emboldens litigants who exploit judicial complacency, incentivizes deceitful pleadings, and breeds public distrust. Worse, it leaves vulnerable children trapped in uncertainty, becoming collateral damage in a legal system that has lost sight of its purpose. This case demands attention—not merely for the rights of one father, but for the legitimacy and accountability of Texas courts as protectors of the most sacred relationships and freedoms we possess. The refusal to act by the courts below have resulted in a direct injury to the child which could have been prevented.

12 **ARGUMENT A. STANDARD OF REVIEW** Mandamus is an extraordinary remedy, reserved for situations where a trial court clearly abuses its discretion and no adequate remedy by appeal exists. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). A core principle underpinning mandamus relief is the obligation of a trial court to act on matters properly brought before it. When a motion, such as Relator’s emergency request for a Temporary Restraining Order (TRO), has been properly filed and presented to the trial court, the act of considering and ruling upon that motion is not discretionary; it is ministerial in nature. See *In re Layton*, 257 S.W.3d 794, 795 (Tex. App.—Amarillo 2008, orig. proceeding) (“When a motion is properly filed and pending before a trial court, the act of considering and ruling upon that motion is a ministerial duty.”). Mandamus is the appropriate mechanism to compel a trial court to fulfill this fundamental duty. *Id.* Furthermore, fundamental due process, enshrined in both the U.S. and Texas Constitutions, demands that parties be afforded a meaningful opportunity to be heard before a court grants or denies relief, particularly when fundamental rights like parenting are implicated. *Creel v. District Atty. for Medina County*, 818 S.W.2d 45, 46 (Tex. 1991). In this case, the record demonstrates that Relator properly filed and attempted to present an emergency TRO concerning the safety and welfare of his child. The 13 Respondent Judge, however, refused even to hear the matter, turning the Relator away from the courtroom on March 28, 2025. This outright refusal to consider a properly filed emergency motion constitutes a failure to perform a clear ministerial duty. As established in *Layton*, such inaction warrants mandamus relief. The subsequent denial of mandamus by the Second Court of Appeals, without explanation, effectively endorses this dereliction of duty, leaving Relator with no adequate remedy by appeal for the trial court’s refusal to act on an urgent matter directly impacting child safety.

13 **B. JUDICIAL INACTION VIOLATES DUE PROCESS AND FUNDAMENTAL PARENTAL RIGHTS, RESULTING IN PREVENTABLE HARM** The Due Process Clause of the Fourteenth Amendment forbids any State from depriving a person of life, liberty, or property without due process of law. U.S. CONST. amend. XIV, § 1. This guarantee encompasses both procedural fairness and substantive protections against governmental infringement upon fundamental liberty interests. *Reno v. Flores*, 507 U.S. 292, 301–02 (1993). Among the most fundamental liberty interests recognized by the Supreme Court is the right of parents to direct the upbringing and care of their children. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Texas law echoes these protections, mandating that the best interest of the child is the primary consideration in custody matters (Tex. Fam. Code § 153.002) and requiring procedural safeguards before parental rights are restricted.

14 Here, the Respondent Judge’s refusal to hear Relator’s emergency TRO on March 28, 2025, represents a profound violation of these constitutional and statutory mandates. By turning Relator away and failing

even to schedule a hearing on his properly filed motion alleging imminent risk to his child, the court denied him the basic procedural due process required under Creel. This was not a mere delay; it was a complete denial of the opportunity to be heard on an emergency matter specifically provided for under the Texas Family Code (See Tex. Fam. Code § 105.001, authorizing temporary orders for child safety). While Texas law allows for ex parte TROs under certain urgent circumstances, it simultaneously requires that a hearing be set promptly, typically within 14 days (See TRCP 680), to ensure due process is ultimately satisfied. The Respondent's refusal to even consider the TRO application flouted these principles entirely. This inaction occurred despite Relator presenting a justiciable emergency concerning his child's welfare. The court's refusal stands in stark contrast to its apparent swiftness in acting upon the Real Party in Interest's initial application, which Relator contends was based on false pretenses. The court accepted that initial emergency filing seemingly without scrutiny, removing Relator from his home and restricting access to his children based on allegations later proven questionable, yet refused to even entertain Relator's subsequent, legitimate 15 emergency concerning actual harm. This differential treatment further underscores the arbitrary nature of the refusal and the denial of equal protection. The consequences of this judicial dereliction were not hypothetical; they were tragically real. As Relator warned, the delay precipitated by the court's refusal to act allowed the foreseen harm to materialize: the youngest child suffered a preventable dental emergency requiring intervention. This direct injury, stemming from the court's failure to perform its ministerial duty to hear the emergency motion, highlights the inadequacy of any remedy other than mandamus. An appeal after final judgment cannot undo the harm suffered by the child or rectify the profound denial of process experienced by Relator when faced with an immediate threat to his child's well-being.

**C. THE REFUSAL TO ACT AND SUBSEQUENT APPELLATE INACTION ERODE PUBLIC CONFIDENCE AND DEMAND SUPREME COURT INTERVENTION**

The issues presented transcend the specific facts of this case and touch upon the broader integrity of the Texas judiciary. When a trial court refuses to perform its clear ministerial duty to hear and rule upon a properly filed emergency motion alleging child endangerment, see *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (confirming the ministerial duty to consider and rule on properly filed motions), and the appellate court subsequently denies mandamus relief without explanation, it sends a chilling message. Such inaction suggests the courthouse doors may be closed to those seeking urgent protection for children, potentially violating the Texas Constitution's Open Courts Provision, which guarantees access to the courts for redress of injuries. Tex. Const. art. I, § 13. This apparent disregard for mandatory duties and fundamental rights fuels the perception, noted in the original petition referencing the Texas Home School Coalition report and the *Stry v. Ethridge* case, that courts may sometimes prioritize expediency or other factors over due process and parental rights. The Respondent Judge's refusal to act, followed by the perfunctory denial from the Second Court of Appeals, creates an accountability vacuum. It allows a clear dereliction of a ministerial duty—the duty to hear and rule, *In re Layton*, 257 S.W.3d 794, 795 (Tex. App.—Amarillo 2008, orig. proceeding)—to stand uncorrected, despite the direct and preventable harm caused to the child. While mandamus is an extraordinary remedy, its purpose includes compelling

public officials to perform ministerial acts and correcting clear abuses of discretion where no adequate appellate remedy exists. See *In re Prudential Ins. Co. of Am*, 148 S.W.3d 124, 135-36 (Tex. 2004). When judicial inaction directly leads to irreparable harm, particularly to a child, the remedy by appeal is inherently inadequate. *Id.* at 136. This Court's intervention is necessary not only to rectify the specific injustice suffered by Relator and his child but also to reaffirm the 17 fundamental principle that Texas courts must provide a meaningful forum for litigants, especially in emergencies involving child safety, and must perform their ministerial duties without bias or arbitrary refusal. The unexplained silence from the lower courts cannot substitute for adherence to the rule of law and undermines the public trust essential for the judiciary's legitimacy. Mandamus relief is essential to compel the Respondent Judge to fulfill her duty and to restore a measure of faith in the judicial process. CONCLUSION AND PRAYER This is not merely a dispute over procedural timelines; it is a plea for the enforcement of fundamental legal obligations and the protection of a children's well-being. The Respondent Judge's refusal to even consider Relator's emergency motion, particularly when contrasted with the sister court's earlier actions from the sister court that removed Relator from his home based on false allegations, demands correction. The integrity of the judicial process requires that courts fulfill their basic duties, especially when immediate risks to children are alleged. Failure to do so constitutes a clear abuse of discretion warranting mandamus relief. Therefore, all premises considered, the Relator prays that this Honorable Court: 1. Reverse and order that the trial court: (1) hear the emergency TRO filed on March 28, 2025; 18 2.

Provide any further relief to the Relator the court deems necessary

Respectfully submitted, /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se 6641 Anne Court Watauga, Texas 76148 Email:

chuckdustin12@gmail.com Phone: 817-546-3693 RELATOR CERTIFICATION

REGARDING WORD COUNT I certify that this Petition for Writ of Mandamus complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 2,002 words, excluding any parts exempted by Tex. R. App. P. 9.4(i)(1). 19

CERTIFICATE OF SERVICE Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 2nd, 2025. Real Party in Interest Morgan Michelle Myers morganmw02@gmail.com Respondent Hon. Kate Stone Associate Judge 233rd District Court, Tarrant County, Texas

adwierzicki@tarrantcountytexas.gov Tel.: 817-884-1197 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest

Cooper L. Carter coopercl@tarrantcountytx.gov Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; STATE OF

TEXAS COUNTY OF TARRANT AFFIDAVIT CERTIFYING RELATOR'S

APPENDIX BEFORE ME, the undersigned authority, personally appeared Charles Dustin Myers, who, being duly sworn by me, stated upon oath as follows: 1. My name is Charles Dustin Myers. I am over the age of eighteen, competent to make this affidavit, and I am the Relator in the abovecaptioned cause. I have personal knowledge of the facts stated herein, and each is true and correct. 2. I am familiar with the documents included in Relator's Appendix submitted in support of the Petition for Writ of Mandamus filed in



the Second Court of Appeals at Fort Worth, Texas, arising from cause number 233-765358-25 in the 233rd District Court of Tarrant County, Texas and hereby certify that each of the documents contained in Relator's Appendix is a true and correct copy of the original document under penalty of perjury. 3. The Appendix is submitted in accordance with Texas Rule of Appellate Procedure 52.3(k)(1)(A) and is tendered as a proper record of the matters complained of in the mandamus proceeding. FURTHER AFFIANT SAYETH NOT.

Charles Dustin Myers  
Relator State of Florida County of Bay County This foregoing instrument was acknowledged before me by means of online notarization, this 04/10/2025 by Charles Dustin Myers. Amber Riggs Notarized remotely online using communication technology via Proof. No. 25-\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR.

Original Proceeding Arising Out of the 233rd Judicial District Court of Tarrant County, Texas Cause Number 233-765358-25 Hon. Kate Stone Presiding RELATOR'S APPENDIX Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Pro-se Relator NAME TAB Order setting hearing for TRO .....

1 Temporary Orders rendered 03/14/2024 ..... 2 Tex. Fam. Code § 6.407 - Joinder of SAPCR ..... 3 Tex. Fam. Code § 155.001 - Continuing, Exclusive Jurisdiction ..... 4 Tex. Const. art. I, § 19 - Due Course of Law ..... 5 Tex. R. Civ. P. § 21(f)(11) ..... 6 Tex. R. Civ. P. § 59 - Exhibits and Pleadings .....

7 TAB 1 Order Setting Hearing for TRO RELATOR'S APPENDIX APP 1 NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA FM-FH-101-Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021)

©TexasLawHelp.org Page 1 of 4 Cause Number Print cause number and other court information exactly as it appears on the petition filed in this case. In the interest of: In the: (check one): 1. 2. District Court 3. Court Number County Court at Law 4. 5. Child(ren) County, Texas Temporary Restraining Order and Order Setting Hearing On

Petitioner, \_\_\_\_\_ Date Your full name presented a motion for a temporary restraining order to this Court. Respondent's name is: \_\_\_\_\_.

Respondent's full name The child(ren) who are the subject of this suit are: Child's name Date of Birth Gender 1. 2. 3. 4. 5. 1. The Court finds that the issuance of a temporary restraining order is necessary to protect the

child(ren) who are the subject of this suit. IT IS THEREFORE ORDERED that the Clerk of this Court issue a temporary restraining order that immediately restrains Respondent from doing the following: (check off each restraint that the Judge orders at the hearing) Threatening the child(ren) with imminent

bodily injury. (See Texas Family Code 6.501(a)(5)) Causing bodily injury to the child(ren). (See Texas Family Code 6.501(a)(4)) Disturbing the peace of the child(ren). (See Texas Family Code 105.001(a)(3)) 233-765358-25 FILED TARRANT COUNTY 3/24/2025 4:42 PM THOMAS A. WILDER DISTRICT

CLERK APP 1.1 233-765358-25 M.E.M. C.R.M. 233 TARRANT 03/24/2025 CHARLES DUSTIN MYERS MORGAN MICHELLE MYERS FM-FH-101-Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021)

©TexasLawHelp.org Page 2 of 4 Removing the child(ren) beyond a geographic area identified by the Court. (See Texas Family Code 105.001(a))

(4)) Withdrawing the child(ren) from the school or day-care facility where they are presently enrolled without the written consent of Petitioner. Hiding or secreting the child(ren) from Petitioner. Engaging in any criminal activity while the child(ren) are in the Respondent's possession. Using alcohol or illegal drugs 24 hours prior to or during his/her possession of the child(ren).  
2. The Court further finds that it clearly appears from specific facts shown by Petitioner's affidavit that immediate and irreparable injury or harm will result to the child(ren) before notice can be served and a hearing can be held. The injury or harm to the child(ren) is:

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The above injury or harm would be irreparable because:

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The temporary restraining order is granted without notice because:

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APP 1.2 The children are suffering daily from their father being prevented access to the marital home. The Respondent has prevented access since March 6, 2024, knowing the Petitioner's need for the residence to work. This has left the children without the care of either parent for the majority of the time, and are being told that the divorce has been finalized and that their father is a bad person. Prior to the Respondent's removal, the Children were cared for both emotionally and financially by the Petitioner. The Respondent knowingly and willingly sabotaged this relationship to further her own agenda with a separate relationship. The emotional well-being and stability of the children have been destroyed, and their stable life has been dismantled by the Respondent in bad faith. There exists no legal basis for the current situation to persist, and the children are already showing signs of distress, emotional trauma, and are beginning to struggle academically. The children need the Petitioner's stable, nurturing care during this difficult time, and they will soon lose all access to their Father who will be homeless given the circumstances. The Petitioner has been fighting for over a year to get back into his residence to no avail. The Respondent has refused to participate, and continues to prioritize her new relationship over the children. Notice would only spark more deceptive legal actions from the Respondent to try and subvert justice. FM-FH-101-Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021) ©TexasLawHelp.org Page 3 of 4

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It is therefore ordered that: The bodies of the child(ren) be attached and that the child(ren) be placed in the possession of: The Petitioner The following person: \_\_\_\_\_ (See Texas Family

Code 105.001(c)(1-2)) Respondent is excluded from possession of or access to the child(ren) until notice can be served and a hearing can be held. Respondent's possession of or access to the child(ren) is limited as follows until notice can be served and a hearing can be held: Respondent is excluded from unsupervised possession of the child(ren). Possession of the child(ren) shall be supervised by: Any person approved in writing by Petitioner A person approved by the Court:

\_\_\_\_\_ Respondent is excluded from overnight visits with the child(ren). Any day visits shall begin no earlier than \_\_\_\_\_ a.m. and shall end no later than \_\_\_\_\_ p.m. Respondent may not allow the child(ren) to have any contact with the following person(s):

\_\_\_\_\_  
Respondent may not engage in the following acts during any periods of possession or access:

\_\_\_\_\_  
\_\_\_\_\_  
3. This restraining order is effective immediately and will continue in full force and effect until it expires by its terms within a time period determined by the Court (not to exceed 14 days), unless within that time frame the order is extended for good cause shown, or unless the Respondent consents that it may be extended for a longer period. See Texas Rule of Civil Procedure 680. This restraining order expires on the following date:

\_\_\_\_\_. THE VIOLATION OF A TEMPORARY RESTRAINING ORDER IS PUNISHABLE BY CONTEMPT AND THE ORDER IS SUBJECT TO AND ENFORCEABLE UNDER CHAPTER 157 OF THE TEXAS FAMILY CODE. See Texas Family Code 105.001(f). APP 1.3 Petitioner will be able to surprise the children by picking them up from school, and they will finally be reunited with their father, something that they anticipate and desperately need. The Respondent has shown no ability to act in the children's best interests. DAMEN GAULT KAZLAUSKAS Respondent must not forbid the Petitioner from access to the marital home. Respondent must not disturb the peace of the children. Respondent must maintain an amicable candor towards all members of the household. Both parties must maintain the status quo as it was prior to the unlawful lockout of Petitioner which occurred on March 6, 2024. 2025/04/12 FM-FH-101-Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021)

©TexasLawHelp.org Page 4 of 4 4. The requirement of a bond is waived. See Texas Family Code 105.001(d). Order to Appear IT IS ORDERED that Petitioner's application for temporary injunction and temporary orders be scheduled for a hearing at the earliest possible date and that the Clerk of this Court issue notice to Respondent to appear in person before this Court at the following date, time, and place (as required by Texas Rule of Civil Procedure 680): Date: \_\_\_\_\_

Time: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_  
The purpose of the hearing is to determine whether the Court should order the following temporary relief while this case is pending: a. Convert the preceding temporary restraining order into a temporary injunction. b. Enter temporary orders for the safety and welfare of the child(ren), including but not limited

to conservatorship, possession and access. c. Enter any other orders that are necessary for the safety and welfare of the child(ren). SIGNED on \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ .m.

PRESIDING JUDGE APP 1.4 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 98863782 Filing Code Description: Proposed Order Filing Description: PROPOSED ORDER Status as of 3/26/2025 3:31 PM CST Case Contacts Name CHARLES MYERS MORGAN MICHELLEMYERS BarNumber Email chuckdustin12@gmail.com MORGANMW02@GMAIL.COM TimestampSubmitted 3/25/2025 2:10:47 PM 3/25/2025 2:10:47 PM Status NOT SENT NOT SENT APP 1.5 TAB 2 Temporary Orders rendered 03/14/2024 in cause number 322-744263-23 RELATOR'S APPENDIX APP 2 IN THE MATTER OF THE MARRIAGE OF MORGAN MYERS AND CHARLES MYERS AND IN THE INTEREST OF CAUSE NO. 322-744263-23 IN THE DISTRICT COURT 322ND JUDICIAL DISTRICT MARA MYERS AND CAROLINE MYERS, CHILDREN § § § § § § § § TARRANTCOUNTY,TEXAS TEMPORARY ORDERS 1JC On February 11, 2024, the Court heard Petitioner's motion for temporary orders. Appearances Petitioner, MORGAN MYERS, appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders. Respondent, CHARLES MYERS, appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders. The parties have agreed to the terms of this order as evidenced by the signatures below. Jurisdiction The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties. Children The following orders are for the safety and welfare and in the best interest of the 322-744263-23 FILED TARRANT COUNTY 3/26/2024 3:19 PM THOMAS A. WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.1 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz following children: Name: Sex: Birth date: Home state: Name: Sex: Birth date: Home state: Conservatorship MARAMYERS Female 7 years Texas CAROLINE MYERS Female 5 years Texas IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: MARA MYERS and CAROLINE MYERS IT IS ORDERED that, at all times, MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights: 1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children; 2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children; 3. the right of access to medical, dental, psychological, and educational records of the children; 4. the right to consult with a physician, dentist, or psychologist of the children; 5. the right

to consult with school officials concerning the children's welfare and educational status, including school activities; 6. the right to attend school activities, including school lunches, performances, and field trips; 7. the right to be designated on the children's records as a person to be notified in case of an emergency; 8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and 9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent. IT IS ORDERED that, at all times, CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights: 1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children; 2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children; 3. the right of access to medical, dental, psychological, and educational records of the children; 4. the right to consult with a physician, dentist, or psychologist of the children; 5. the right to consult with school officials concerning the children's welfare and educational status, including school activities; 6. field trips; the right to attend school activities, including school lunches, performances, and 7. the right to be designated on the children's records as a person to be notified in case of an emergency; 8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and 9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent. IT IS ORDERED that, at all times, MORGAN MYERS and CHARLES MYERS, as parent temporary joint managing conservators, shall each have the following duties: 1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children; 2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is APP 2.3 A CERTIFIED COPY ATTEST:

THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz emergency involving an immediate danger to the health and safety of the children; and 9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent. IT IS ORDERED that, at all times, MORGAN MYERS and CHARLES MYERS, as parent temporary joint managing conservators, shall each have the following duties: 1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children; 2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is APP 2.3 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; 3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order

sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; 4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and 5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE. IT IS ORDERED that, during her periods of possession, MORGAN MYERS, as parent temporary joint managing conservator, shall have the following rights-and duties: 1. the duty of care, control, protection, and reasonable discipline of the children; 2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure; APP 2.4 4 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 3. the right to consent for the children to medical and dental care not involving an invasive procedure; and 4. the right to direct the moral and religious training of the children. IT IS ORDERED that, during his periods of possession, CHARLES MYERS, as parent temporary joint managing conservator, shall have the following rights and duties: 1. the duty of care, control, protection, and reasonable discipline of the children; 2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure; 3. the right to consent for the children to medical and dental care not involving an invasive procedure; and 4. the right to direct the moral and religious training of the children. IT IS ORDERED that MORGAN MYERS, as a parent temporary joint managmg conservator, shall have the following rights and duty: 1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures; 2. the independent right to consent to psychiatric and psychological treatment of the children; 3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children; 4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children; 5. the independent right to consent to marriage

and to enlistment in the armed forces of the United States; 6. the independent right to make decisions concerning the children's education; 7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children; 8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government; 9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and 10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent. IT IS ORDERED that CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty: 1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures; 2. the independent right to consent to psychiatric and psychological treatment of the children; 3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children; 4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children; 5. the independent right to consent to marriage and to enlistment in the armed forces of the United States; 6. the independent right to make decisions concerning the children's education; 7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children; 8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government; 9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and 10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent. APP 2.6 6 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz

Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which MORGAN MYERS has enrolled the children. The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, , and counties contiguous to Tarrant County, Texas, and the

parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court. Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner: a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient: MORGAN MYERS morganm202@gmail.com APP 2.7 7 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz CHARLES MYERS chuckdusticl2@gmail.com and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change. If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application. IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent. Possession and Access IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole. 1. Standard Possession Order IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED: (a) Definitions 1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides. 2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated. (b) Mutual Agreement or Specified Terms for Possession IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of APP 2.8 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order. (c) When Parents Reside 50 Miles or Less Apart Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides 50 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows: 1. Weekends - On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend. On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth



Friday of each month and ending at 6:00 P.M. on the following Sunday. 2. Weekend Possession Extended by a Holiday - Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday. 3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday. 4. Spring Vacation in Even-Numbered Years - In even-numbered APP 2.9 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation. 5. Extended Summer Possession by CHARLES MYERS - With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31. Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows: 1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation. 2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that

MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child. 3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no APP 2.10 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows: 1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation. 2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation. 3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving. 4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving. 5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place. 6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding APP 2.11 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession

Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place. 7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place. (d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 50 Miles but 100 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows: 1. Weekends - On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend. On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday. 2. Weekend Possession Extended by a Holiday - Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on APP 2.122 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday. 3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday. 4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation. 5. Extended Summer Possession by CHARLES MYERS - With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days

beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31 . Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows: 1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation. APP 2.13 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child. 3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. ( e) Parents Who Reside More Than 100 Miles Apart Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 100 miles from the residence of the child, CHARLES MYERS shall have the right to possession of the child as follows: 1. Weekends - Unless CHARLES MYERS elects the alternative period of weekend possession described in the next paragraph, CHARLES MYERS shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday. Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, CHARLES MYERS shall have the right to possession of the child not more than one weekend per month of CHARLES MYERS's choice beginning at

6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. CHARLES MYERS may elect an option for this alternative period of weekend possession by giving written notice to MORGAN MYERS within ninety days after the parties begin to reside more than 100 miles apart. If CHARLES MYERS makes this election, CHARLES MYERS shall give MORGAN MYERS APP 2.14 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below. 2. Weekend Possession Extended by a Holiday - Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday. Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday. 3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation. 4. Extended Summer Possession by CHARLES MYERS - With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. Without Written Notice by April 1 - If CHARLES MYERS does not give APP 2.15 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year. Notwithstanding the weekend periods of possession ORDERED for CHARLES MYERS, it is

expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows: 1. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of possession by CHARLES MYERS during CHARLES MYERS's extended summer possession in that year, provided that if a period of possession by CHARLES MYERS in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. 2. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which CHARLES MYERS shall not have possession of the child, provided that the period or periods so designated do not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day. (f) Holidays Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, except when CHARLES MYERS resides fifty miles or less from the primary residence of the child, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows: 1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending APP 2.16 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz at 6:00 P.M. on the day before school resumes after that Christmas school vacation. 2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation. 3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving. 4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving. 5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday,

that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place. 6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place. 7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place. (g) Undesignated Periods of Possession MORGAN MYERS shall have the right of possession of the child at all APP 2.17 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz other times not specifically designated in this Standard Possession Order for CHARLES MYERS. (h) General Terms and Conditions Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows: 1. Surrender of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each period of CHARLES MYERS's possession at the residence of MORGAN MYERS. If a period of possession by CHARLES MYERS begins at the time the child's school is regularly dismissed, MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, CHARLES MYERS shall pick up the child at the residence of MORGAN MYERS at 6:00 P.M., and MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the residence of MORGAN MYERS at 6:00 P.M. under these circumstances. 2. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the residence of CHARLES MYERS at the end of each period of possession. If a period of possession by CHARLES MYERS ends at the time the child's school resumes, CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of MORGAN MYERS at 6:00 P.M. 3. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS, if the child is in CHARLES MYERS's possession or subject to CHARLES MYERS's control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order. 4. Return of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to return the child to CHARLES MYERS, if CHARLES MYERS is entitled to possession of the child, at the end of each of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order. 5. Personal Effects - Each conservator is

ORDERED to return with APP 2.18 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz the child the personal effects that the child brought at the beginning of the period of possession. 6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned. 7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period. 8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change. 9. Notice to School and MORGAN MYERS - If CHARLES MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, CHARLES MYERS shall immediately notify the school and MORGAN MYERS that the child will not be or has not been returned to school. This concludes the Standard Possession Order. 2. Duration The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated. Child Support IT IS ORDERED that CHARLES MYERS pay to MORGAN MYERS for the support of MARA MYERS and CAROLINE MYERS nine hundred seventy-three dollars and nineteen cents (\$973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court. APP 2.19 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz Withholding from Earnings IT IS ORDERED that any employer of CHARLES MYERS shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of CHARLES MYERS for the support of MARA MYERS and CAROLINE MYERS. IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CHARLES MYERS by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of CHARLES MYERS, and it is hereby ORDERED that CHARLES MYERS pay the balance due directly as specified below. On this date the Court signed an Income Withholding for Support. Payment IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MORGAN MYERS for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit,



CHARLES MYERS's name as the name of the noncustodial parent (NCP), and MORGAN MYERS's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at [www.texasattorneygeneral.gov/cs/paymentoptions-and-types](http://www.texasattorneygeneral.gov/cs/paymentoptions-and-types). APP 2.20 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee. Change of Employment IT IS FURTHER ORDERED that CHARLES MYERS shall notify this Court and MORGAN MYERS by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of CHARLES MYERS and the name and address of his current employer, whenever that information becomes available. Clerk's Duties IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MORGAN MYERS, CHARLES MYERS, or an attorney representing MORGAN MYERS or CHARLES MYERS, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer. Medical and Dental Support 1. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each provide additional child support for each child as set out in this order for as long as the Court may order MORGAN MYERS and CHARLES MYERS to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MORGAN MYERS and CHARLES MYERS's actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date. APP 2.21 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments. 2. Definitions - "Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code. "Reasonable cost" means the total cost of health insurance coverage for all children for which MORGAN MYERS is responsible under a medical support order that does not exceed 9 percent of MORGAN MYERS's annual resources, as described by section 154.062(b) of the Texas Family Code. "Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication. "Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related

copayments and deductibles. 3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds: IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children. APP 2.22 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 4. Provision of Health-Care Coverage - As Petitioner's child support, MORGAN MYERS is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. MORGAN MYERS is ORDERED - a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children: a. MORGAN MYERS' Social Security number; b. Proof that health insurance has been provided for the children; c. The following information and documents: 1. The name of the health insurance carrier; 1i. The number of the policy; iii. A copy of the policy; 1v. A schedule of benefits; v. A health insurance membership card; vi. Claim forms; and vii. Any other information necessary to submit a claim; and d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after MORGAN MYERS receives or is provided with the renewal, change, or additional information; e. To notify each conservator of the children of any termination or APP 2.23 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse; f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MORGAN MYERS of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available; g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MORGAN MYERS at a reasonable cost at the next available enrollment period. Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if MORGAN MYERS is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of CHARLES MYERS or others authorized by law. 5. Allocation of Unreimbursed Expenses - The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the APP 2.24 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz health-care expense. For the Court to hold the

nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a healthcare expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the health-care expense the nonincurring conservator was ordered but fail to pay.

6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section 1169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative.

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No Termination of Orders on Death of Obligee An obligation to pay child support under this order does not terminate on the death of MORGAN MYERS but continues as an obligation to MARA MYERS and CAROLINE MYERS.

Other Child Related Provisions Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000. THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF: (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD

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UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings to Parties WARNINGS

TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS. FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT. FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY. Property and Parties The Court finds that the following orders respecting the property and parties are necessary and equitable. IT IS ORDERED that MORGAN MYERS shall be responsible for the timely payment of the following: APP 2.27 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 1. The auto insurance for the vehicle in her possession; 2. the monthly payment for her cell phone; 3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024. IT IS ORDERED that CHARLES MYERS shall be responsible for the timely payment of the following: 1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession; 2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession; 3. the monthly payment for his cell phone; 4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024. IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024. IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024. Co-Parenting Website IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2 APP 2.28 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz by May 1, 2024, and file a certificate of completion with the Court for their attendance to this coparenting class. IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class. App Close IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS

shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS shall each timely post on the AppClose website a copy of any email received by the party from the APP 2.29 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party. For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity. By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program. Temporary Injunction The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived. IT IS ORDERED that Petitioner and Respondent are enjoined from:

1. Intentionally communicating with the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party.
2. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.
3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive APP 2.30 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.
4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.
5. Threatening the other party or a child of either party with imminent bodily injury.
6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and the children of the marriage.
7. Intentionally falsifying any writing or record, including an electronic record, relating to

the property of either party. 8. Intentionally misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information. 9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party. 10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party. 11 . Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real APP 2.31 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz property, or intellectual property, and whether separate or community property, except as specifically authorized by this order. 12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order. 13. Withdrawing money from any checking or savings account m any financial institution for any purpose, except as specifically authorized by this order. 14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order. 15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order. 16. Withdrawing, transferring, ass1gnmg, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order. 17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order. 18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others. 19. Changing or in any manner altering the beneficiary designation on any life APP 2.32 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz insurance policy on the life of either party or a child of the parties. 20. Canceling, altering, failing to renew or pay premiums on, or m any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties. 21. Opening or diverting mail or email or any other electronic communication addressed to the other party. 22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party. 23. Taking any action to terminate or limit credit or charge cards in the name of the

parties or the other party, except as specifically authorized in this order. 24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary. 25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement. 26. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. 27. Modifying, changing, or altering the native format or metadata of any electronic APP 2.33 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. 28. Deleting any data or content from any social network profile used or created by either party or a child of the parties. 29. Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account. 30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription. 31 . Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children. 32. Neither party shall consume alcohol during their period of possession with the children. 33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol. 34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. 35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children. 36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to APP 2.34 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz the other party using a profane name or names, profanity or curse words. 37. The parties are not to discuss the litigation or issues with the children. 38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children. IT IS ORDERED that Petitioner is further enjoined from : 1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent. IT IS ORDERED that Respondent is further enjoined from: 1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;. 2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner. IT IS ORDERED that Petitioner is specifically authorized: To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care. To make expenditures and incur indebtedness for reasonable attorney's fees and

expenses in connection with this suit. To make withdrawals from accounts in financial institutions only for the purposes authorized by this order. IT IS ORDERED that Respondent is specifically authorized: To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses APP 2.35 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz in connection with this suit. For purposes of this order, "personal property" includes, but is not limited to, the following: a. cash, checks, traveler's checks, and money orders; b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions; c. funds and assets held in brokerage, mutual fund, and other investment accounts; d. publicly traded stocks, bonds, and other securities; e. stock options and restricted stock units; f. bonuses; g. closely held business interests; h. retirement benefits and accounts; i. deferred compensation benefits; j. insurance policies, annuities, and health savings accounts; k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles; l. money owed to one or both parties, including notes and expected income tax refunds; m. household furniture, furnishings, and fixtures; n. electronics and computers; o. antiques, artwork, and collections; p. sporting goods and firearms; q. jewelry and other personal items; APP 2.36 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz r. pets and livestock; s. club memberships; t. travel award benefits and other award accounts; u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names; v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts; w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency; x. safe-deposit boxes and their contents; y. storage facilities and their contents; and z. contingent assets. Duration These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court. JUDGE PRESIDING APPROVED AS TO FORM ONLY: MARX ALTMAN & JOHNSON APP 2.37 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 2905 Lackland Rd. FT. WORTH, Texas 76116 Tel: (817) 926-6211 Fax: (817) 926-6188 By: \_\_, \_\_ ~ +P--!b~-----Cooper Attorne for Petitioner State Bar No. 24121530 coopercarter@maj admin. com Daniel R. Bacalis PC 669 Airport Freeway Suite 307 Hurst, TX 76053 Office Phone: (817)498-4105 Fax: (817)282-0634 By: \_\_\_\_\_ Daniel Bucalis Attorney for Respondent State Bar No. 01487550 Email: dbacalis@dbacalis.com APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE: MORGAN MYERS PETITIONER CHARLES MYERS RESPONDENT APP 2.38 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service



have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 85983756 Filing Code Description: No Fee Documents Filing Description: Status as of 3/27/2024 7:40 AM CST Associated Case Party: MORGANMICHELLEMYERS Name MORGAN MICHELLEMYERS Cooper L.Carter BarNumber Email morganmw02@gmail.com coopercarter@majadmin.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT Associated Case Party: CHARLESDUSTINMYERS Name Daniel Bacalis Tammy L.Johnson Daniel R.Bacalis CHARLES MYERS BarNumber Email service@dbacalis.com tjohnson@dbacalis.com dbacalis@dbacalis.com chuckdustin12@gmail.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT SENT SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.39 TAB 3 Tex. Fam. Code § 6.407 RELATOR'S APPENDIX APP 3 APP 3.1 TAB 4 Tex. Fam. Code § 155.001 RELATOR'S APPENDIX APP 4 APP 4.1 TAB 5 Tex. Const. art. I. § 19 RELATOR'S APPENDIX APP 5 APP 5.1 TAB 6 Tex. R. Civ. P. § 21(f)(11) Non-Conforming Documents RELATOR'S APPENDIX APP 6 Misc. Docket No. 23-9053 Page 3 TEXAS RULES OF CIVIL PROCEDURE RULE 21. FILING AND SERVING PLEADINGS AND MOTIONS (a) Filing and Service Required. Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket. (b) Service of Notice of Court Proceeding. An application to the court for an order and notice of any court proceeding, as defined in Rule 21d(a), not presented during a court proceeding, must be served upon all other parties not less than three days before the time specified for the court proceeding, unless otherwise provided by these rules or shortened by the court. Notice of any court proceeding must contain the information needed for participants, as defined in Rule 21d(a), to participate in the proceeding, including the location of the proceeding or instructions for joining the proceeding electronically, the court's designated contact information, and instructions for submitting evidence. A court must publish the information needed for participants to participate in its proceedings. (c) Multiple Parties. If there is more than one other party represented by different attorneys, one copy of each pleading must be served on each attorney in charge. (d) Certificate of Service. The party or attorney of record, must certify to the court compliance with this rule in writing over signature on the filed pleading, plea, motion, or application. (e) Additional Copies. After one copy is served on a party, that party may obtain another copy of the same pleading upon tendering reasonable payment for copying and delivering. (f) Electronic Filing. (1) Requirement. Except in juvenile cases under Title 3 of the Family Code and truancy cases under Title 3A of the Family Code, attorneys must electronically file documents in courts where electronic filing has been mandated. Attorneys practicing in courts where electronic filing is available but not mandated and unrepresented parties may electronically file documents, but it is not required. APP 6.1 Misc. Docket No. 23-9053 Page 5 (7) Electronic Signatures. A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes: (A)

a “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or (B) an electronic image or scanned image of the signature. (8) Format. An electronically filed document must: (A) be in text-searchable portable document format (PDF); (B) be directly converted to PDF rather than scanned, if possible; (C) not be locked; and (D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court. (9) Paper Copies. Unless required by local rule, a party need not file a paper copy of an electronically filed document. (10) Electronic Orders, Notices, and Other Documents From the Court. The clerk may send orders, notices, orders, and other communications about the case documents to the parties electronically through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration. A court seal may be electronic. (11) Non-Conforming Documents. The clerk may not refuse to file a document that fails to conform with this rule. But the clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format. (12) Original Wills. When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed. (13) Official Record. The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document unless otherwise required by local rule. But the clerk must retain an original will filed for probate in a numbered file folder. APP 6.2 TAB 7 Tex. R. Civ. P. § 59 Exhibits and Pleadings RELATOR'S APPENDIX APP 7 Page 38 RULE 55. JUDGMENT In pleading a judgment or decision of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it shall be sufficient to aver the judgment or decision without setting forth matter showing jurisdiction to render it. RULE 56. SPECIAL DAMAGE When items of special damage are claimed, they shall be specifically stated. RULE 57. SIGNING OF PLEADINGS Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, with his State Bar of Texas identification number, address, telephone number, email address, and if available, fax number. A party not represented by an attorney shall sign his pleadings, state his address, telephone number, email address, and, if available, fax number. Notes and Comments Comment to 1990 change: To supply attorney telecopier information with other identifying information on pleadings. Documents telephonically transferred are permitted to be filed under changes in Rule 45. RULE 58. ADOPTION BY REFERENCE Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion, so long as the pleading containing such statements has not been superseded by an amendment as provided by Rule 65. RULE 59. EXHIBITS AND PLEADING Notes, accounts, bonds, mortgages, records, and all other written instruments, constituting, in whole or in part, the claim sued on, or the matter set up in defense, may be made a part of the pleadings by copies thereof, or the originals, being attached or filed and referred to as such, or by copying the same in the body of the pleading in aid and explanation of the allegations in the petition or answer made in reference to said instruments and shall be deemed a part thereof for all purposes. Such pleadings shall not

be deemed defective because of the lack of any allegations which can be supplied from said exhibit. No other instrument of writing shall be made an exhibit in the pleading. APP 7.1 Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 99524439 Filing Code Description: Original Proceeding Petition Filing Description: PETITION FOR WRIT OF MANDAMUS AND RELATOR'S APPENDIX - VERIFIED Status as of 4/10/2025 3:05 PM CST Case Contacts Name Kate Stone COOPER LCARTER MORGAN MICHELLEMYERS CHARLES MYERS BarNumber Email adwierzbicki@tarrantcountytexas.gov COOPERCARTER@MAJADMIN.COM MORGANMW02@GMAIL.COM CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 4/10/2025 2:37:09 PM 4/10/2025 2:37:09 PM 4/10/2025 2:37:09 PM 4/10/2025 2:37:09 PM Status SENT SENT SENT SENT Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below: Envelope ID: 100376468 Filing Code Description: Record - Original Proceeding Filing Description: Mandamus Record Status as of 5/2/2025 12:28 PM CST Case Contacts Name CHARLES DMYERS BarNumber Email CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 5/2/2025 12:02:24 PM Status SENT MANDAMUS 3: DISTRICT JUDGE KENNETH NEWELL: 1 NO. 25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 233rd Judicial District Court, Tarrant County Cause No. 233-765358-25 On Mandamus Review from Cause No. 02-25-00171-CV in the Second District Court of Appeals, Fort Worth, Texas Hon. Kenneth Newell Presiding PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested FILED 25-0378 5/7/2025 10:58 AM tex-100538816 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers chuckdustin12@gmail.com Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Respondent Hon. Kenneth Newell District Judge 233rd District Court, Tarrant County, Texas adwierzbicki@tarrantcountytexas.gov Tel.: 817-884-1794 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter coopercarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; 3 Table of Contents Identity of Parties and Counsel ..... 2 Table of Contents ..... 3-4 Index of Authorities ..... 5 Statement of the Case ..... 6 Statement of Jurisdiction ..... 7 Issues Presented ..... 8 Introduction ..... 9-10 Statement of Facts ..... 11-14 Summary of

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Statement of the Case Nature of the Underlying Proceeding and Order Complained Of This is an original proceeding seeking a writ of mandamus to compel the Honorable Kenneth Newell, Presiding Judge of the 233rd Judicial District Court, Tarrant County, Texas, to vacate his order dated April 11, 2025. This order granted a contested motion to consolidate Relator’s Suit Affecting the Parent-Child Relationship (SAPCR), Cause No. 233-765358-25, with a firstfiled divorce proceeding, Cause No. 322-744263-23, pending in the 322nd Judicial District Court of Tarrant County. Respondent Judge The Honorable Kenneth Newell, District Judge, 233rd Judicial District Court, Tarrant County, Texas. His office is located at the Family Law Center, 200 E. Weatherford St., 5th Floor, Fort Worth, TX 76196-0230. Respondent’s Challenged Actions: Respondent granted Real Party in Interest’s contested motion to consolidate the SAPCR (the later-filed case) into the divorce proceeding (the first-filed case). This order was issued sua sponte as to its timing and effect, without prior notice to Relator of an imminent ruling, without a hearing on Relator’s timely filed objections to the consolidation, and in direct contravention of Tarrant County Local Rule 4.01(8)(a), which mandates that consolidation motions be filed and heard in the earliest-filed case. Procedural History in the Court of Appeals Relator previously sought mandamus relief from the Second District Court of Appeals, Fort Worth, Texas, in Cause No. 02-25-00164-CV, challenging the Associate Judge’s	

refusal to hear his Emergency Temporary Restraining Order in the SAPCR. That petition was denied per curiam. The current petition for writ of mandamus arises from the consolidation order issued by Respondent moments after Relator filed the aforementioned mandamus in the court of appeals. Relator also has two pending mandamus in this Court, cause Nos. 25-0361 & 25-0367, related to the underlying divorce matter. 7 Statement of Jurisdiction STATEMENT OF JURISDICTION This Honorable Court has jurisdiction to consider this original proceeding for writ of mandamus. Tex. Const. art. V, § 3(a); Tex. Gov't Code § 22.002. 8 Issue Presented Did the Respondent clearly abuse his discretion, leaving Relator with no adequate remedy by appeal, by sua sponte granting a contested motion to consolidate a later-filed Suit Affecting the Parent-Child Relationship with a first-filed divorce case, where such order was issued without prior notice to Relator, without a hearing on Relator's timely filed objections, and in direct violation of a mandatory Tarrant County Local Rule requiring consolidation motions to be filed and heard in the earliest-filed case? 9 Introduction This Petition for Writ of Mandamus presents a case of profound and continuing injustice, compelling Relator, Charles Dustin Myers, to seek this Court's extraordinary intervention. For over fifteen agonizing months, Relator has been ensnared in a procedural labyrinth, his fundamental parental rights systematically imperiled by a pattern of judicial actions that defy due process and the clear mandates of Texas law. This is not a mere disagreement with a discretionary ruling; it is a challenge to actions taken sua sponte, without notice, without hearing, and in direct contravention of established legal safeguards, culminating in an improper consolidation order that further entrenches the denial of Relator's access to a fair and timely resolution of matters critical to his relationship with his children. This mandamus marks the third concurrent petition before this Honorable Court, and in totality, spell out a complete failure of the courts below to provide an adequate forum. The circumstances detailed herein are not only extraordinary but also represent an unprecedented disregard for the basic tenets of procedural fairness within the very system designed to uphold them. Relator has diligently pursued every available avenue to protect his rights and seek redress for the clear abuses of discretion by the 233rd and 322nd District Courts of Tarrant County. These efforts, however, have been met with a series of per curiam denials from the Second Court 10 of Appeals, leaving Relator with no answers and without an adequate remedy by an appeal, resulting in continuous and ongoing irreparable harm. The challenged consolidation order, issued moments after Relator sought mandamus relief from the Court of Appeals concerning a related TRO denial, is the latest manifestation of a judicial course that appears determined to frustrate appellate review and perpetuate the denial of Relator's rights. This Court's intervention is not merely sought to correct a single erroneous order, but to address a situation where the lower courts' actions, if left uncorrected, threaten to render Relator's substantive parental rights meaningless and undermine public confidence in the integrity of the judicial process. The facts of this case cry out for the exercise of this Court's mandamus power to uphold the rule of law, ensure fundamental fairness, and prevent the permanent loss of Relator's most precious rights. This petition demonstrates a clear abuse of discretion for which no adequate appellate remedy exists, demanding this Court's immediate and decisive action to restore due process and rectify a stunning departure from judicial propriety. A MOTION TO CONSOLIDATE

these three mandamus petitions will be filed by May 8th, 2025, to provide this Court with the full context of this matter, the efforts put forth by the Relator, and to showcase the silence and lack of engagement from the opposing party and trial courts below.

### 11 STATEMENT OF FACTS

This case arises from a deeply troubling sequence of procedural events in underlying family law matters involving Relator, Charles Dustin Myers, and his children. The facts, meticulously supported by the record, paint a picture of Relator's persistent efforts to protect his parental rights and seek due process, met with actions by the 233rd District Court of Tarrant County and its Associate Judge that give rise to this petition. See *In Re: Myers*, No. 25-0367 (Tex. pending). On March 18, 2025, Relator initiated an original Suit Affecting the Parent- Child Relationship (SAPCR), providing a comprehensive cover letter detailing his legal position. R. 1.0-1.18; R. 2.1-2.11. Accompanying this filing was an Application for Emergency Injunctive Relief, which outlined the series of events spanning from December 15, 2023, to the present day. R. 3.1-3.31. This application included numerous exhibits evidencing concerning issues such as badfaith actions by the opposing party, (R. 3.33-3.37) problematic third-party involvement (R. 3.38-R. 3.41), a decline in the eldest child's academic performance, (R. 3.44-3.45) and signs of medical neglect concerning the youngest child R. 3.46-3.47. Despite months of inactivity in the first-filed divorce matter, the opposing party answered the SAPCR suit merely two days after its filing R. 4.1-4.5. Shortly 12 thereafter, a motion to consolidate the SAPCR with the divorce case was filed by the opposing party in the 233rd District Court. R. 5.0-5.4 In response to these developments and to protect his procedural rights, Relator moved to strike certain pleadings (R.6.1-6.10) and filed a Rule 12 motion against opposing counsel R. 7.1-7.14. No response was ever filed to these motions. Faced with ongoing harm and the urgent need to care for his children, Relator then filed for an Emergency Temporary Restraining Order (TRO) seeking to prevent the Real Party in Interest from barring the Relator from his residence. R. 8.1-8.31. See also R. 12.15. (Relator providing merits of TRO to opposing party) The attempt to secure a hearing on this critical TRO was summarily thwarted despite following proper procedure. R. 12.9; 12.12-12.13. Relator was denied the opportunity to even present his motion in the courtroom. Instead, he left with only the Court Coordinator's initials regarding a hearing scheduled for April 10, 2024, a hearing that was subsequently un-set by the Associate Judge without explanation or rescheduling. See *In Re: Charles Dustin Myers*, No. 02-25-00164- CV; see also R.12.29. The decision to refuse to hear Relator's emergency motion was based on an out-of-court statement made by opposing counsel, who was not even present in the courtroom at the time R.12.20. A forward-looking motion related to these matters was not filed by the opposing party until a week later, on April 3, 2025 R.13-13.2. Subsequently, the 13 opposing party attempted to have a motion signed by the court without addressing Relator's timely filed objections R.12.31, an attempt Relator was forced to rebut R.12.32. No further correspondence was received from opposing counsel on this matter. Having been denied a hearing on his emergency TRO, Relator formally informed the 233rd District Court of his intention to seek mandamus relief from the Second Court of Appeals regarding this outright denial (R. 14-14.18) and provided a statement of facts recapping the situation. R. 14.4-14.6. Relator then prepared and, on April 11, 2025, filed his petition for writ of mandamus with the Second Court of Appeals (See *In re: Charles*

Dustin Myers, No. 02-25-00164-CV, challenging the TRO denial). In a striking turn of events, mere moments after Relator sought this appellate oversight, he was served with an order, signed by the Respondent Judge of the 233rd District Court, granting the opposing party's contested motion to consolidate. This consolidation order was issued sua sponte as to its timing and effect, without notice to Relator of any imminent ruling, without a hearing on the consolidation motion itself, and without addressing Relator's timely filed objections to the consolidation R.15-15.1. Relator promptly moved for en banc reconsideration of the Second Court of Appeals' subsequent per curiam denial of his TRO mandamus, but this too was denied without any substantive reasoning, 14 marking the ninth such summary per curiam denial Relator has faced from that court concerning the same set of underlying facts and without any opposition from the opposing party or the judges below. This mandamus petition to the Supreme Court of Texas concerning the improper consolidation order necessarily followed. Summary of Argument The Second Court of Appeals per curiam denials cannot be reconciled with Texas jurisprudence.<sup>1</sup> Respondent's sua sponte grant of a contested motion to consolidate after the refusal to hear an un-contested emergency TRO by his Associate Judge constitutes an abuse of discretion that has left Relator without an adequate appellate remedy. Relator, Charles Dustin Myers, seeks a writ of mandamus directing the Honorable Kenneth Newell, Presiding Judge of the 233rd District Court, Tarrant County, to vacate his order granting a contested motion to consolidate. This order was issued sua sponte, without notice to Relator, without a hearing, and without ' See In re C.M., No. 02-24-00149-CV (Tex. App.—Fort Worth Apr. 10, 2024, orig. proceeding) (mem. op., per curiam); id. (Tex. App.—Fort Worth Apr. 25, 2024, orig. proceeding) (per curiam) (denying motion for rehearing); id. (Tex. App.—Fort Worth May 2, 2024, orig. proceeding) (per curiam) (denying en banc reconsideration); In re Myers, No. 02-25-00164-CV (Tex. App.—Fort Worth Apr. 11, 2025, orig. proceeding) (mem. op., per curiam); id. (Tex. App.—Fort Worth May 1, 2025, orig. proceeding) (per curiam) (denying en banc reconsideration); In re Myers, No. 02-25-00166-CV (Tex. App.—Fort Worth Apr. 15, 2025, orig. proceeding) (mem. op., per curiam); id. (Tex. App.—Fort Worth Apr. 24, 2025, orig. proceeding) (per curiam) (denying en banc reconsideration); In re Myers, No. 02-25-00171-CV (Tex. App.—Fort Worth Apr. 17, 2025, orig. proceeding) (mem. op., per curiam); id. (Tex. App.—Fort Worth May 1, 2025, orig. proceeding) (per curiam) (denying en banc reconsideration). 15 addressing Relator's timely filed objections. The Respondent's actions constitute a clear abuse of discretion for at least two fundamental reasons: first, the consolidation order directly violates Tarrant County Local Rule 4.01(8)(a), which mandates that consolidation motions be filed and heard in the earliest-filed case—a rule the Respondent had no discretion to ignore. Second, the denial of notice and an opportunity to be heard on a contested, potentially case-dispositive motion is a fundamental violation of due process. Relator lacks an adequate remedy by appeal. The improper consolidation, effected under highly prejudicial circumstances (including the prior refusal of the Associate Judge to hear Relator's emergency TRO and the suspicious timing of the consolidation order itself, issued moments after Relator sought mandamus relief from the Court of Appeals concerning the TRO denial), creates extraordinary circumstances. Forcing Relator to proceed through trial based on this voidable order would result in wasted judicial and personal resources, subject Relator to ongoing

irreparable harm concerning his fundamental parental rights, and present insurmountable difficulties in demonstrating harm on appeal from proceedings tainted by such clear procedural error. The consistent per curiam denials by the Second Court of Appeals, without addressing the merits of Relator's well-founded complaints, further underscore the inadequacy of ordinary appellate remedies and 16 the necessity of this Court's intervention to uphold the rule of law and ensure Relator receives a fair process before his rights are irrevocably prejudiced. Argument Mandamus relief is an extraordinary but essential remedy to correct clear abuses of discretion by a trial court when no adequate appellate remedy exists. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding). The circumstances of this case unequivocally meet this high standard, demanding this Court's intervention to prevent manifest injustice and uphold the integrity of judicial proceedings. I. Standard for Mandamus review. Mandamus relief is available where the trial court's error "constitute[s] a clear abuse of discretion" and the relator lacks "an adequate remedy by appeal." *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding). A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze or apply the law correctly to the facts. *Id.* at 839-40; *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 382 (Tex. 2005) (orig. proceeding). A trial court has no discretion in determining what the law is or applying the law to the facts. *Walker*, 827 S.W.2d at 840. Thus, "a clear failure by the trial court to analyze or apply the 17 law correctly will constitute an abuse of discretion." *Id.* Both elements for mandamus relief are met here. II. Respondent clearly abused his discretion when he granted a contested consolidation motion sua sponte, without notice, without a hearing, and in clear violation of local rules. The actions of the 233rd District Court, through its Presiding Judge, Respondent, constitute a clear and reversible abuse of discretion for at least two fundamental reasons: first, the consolidation order directly violates mandatory Tarrant County Local Rules, and second, the manner of its issuance—sua sponte, without notice to Relator, without a hearing, and without addressing Relator's timely filed objections—is a profound denial of fundamental due process. A. Extraordinary circumstances exist warranting mandamus review While mandamus typically does not lie from a trial court's consolidation order because such orders usually do not threaten a party's substantial rights, this Court has recognized that "if an ordinary appeal is inadequate because extraordinary circumstances exist, mandamus relief may be appropriate." *In re Van Waters & Rogers, Inc.*, 145 S.W.3d 203, 210-11 (Tex. 2004) (orig. proceeding). Extraordinary circumstances are present when the appellate remedy is inadequate because, inter alia, "the party is in danger of permanently losing substantial rights," "the error cannot be cured on appeal," or "the party's ability to present a 18 viable claim or defense is vitiated." *Id.* at 211. Such circumstances are manifest here. The Tarrant County Local Rules are unequivocal. Local Rule 4.01(8)(a) mandates that "every motion to . . . consolidate . . . shall be filed in the earliest filed case and the motion shall be heard in the earliest-filed case." (emphasis added). This rule is not merely advisory but a directive ensuring orderly case management and has the force of law. See *In re Christus Spohn Hosp. Kleberg*, 222 S.W.3d 434, 437 (Tex. 2007) (orig. proceeding) (trial courts are required to follow local rules). Here, the underlying divorce matter (Cause



No. 322-744263-23), pending in the 322nd District Court, is the first-filed case. The SAPCR (Cause No. 233-765358-25) was filed later in the 233rd District Court. Despite the clear mandate of Local Rule 4.01(8)(a), and the fact that the consolidation motion was filed in both Courts, Respondent in the 233rd District Court (the later-filed case) granted the motion. This action directly contravenes the local first-filed rule, an act for which the trial court had no discretion. Walker, 827 S.W.2d at 840. B. The respondent had no discretion to violate local rules or deny due process. Furthermore, Respondent granted the consolidation motion sua sponte as to its timing and effect, without providing Relator notice or an opportunity for a hearing on his timely filed objections. This deprived Relator of his fundamental right to due process. A trial court has no discretion to ignore or misapply clear local rules or to deny a party due process. See *In re J.B. Hunt Transp., Inc.*, 492 S.W.3d 287, 299-300 (Tex. 2016) (orig. proceeding) (due process requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner). The Respondent's decision to grant consolidation in the later-filed case, particularly under these circumstances—sua sponte, without notice or hearing on Relator's objections, and with the effect of centralizing proceedings before a court that had previously demonstrated a reluctance to afford Relator emergency relief—constitutes a clear abuse of discretion. The timing and manner of this consolidation, occurring immediately after Relator sought mandamus relief from the Associate Judge's refusal to hear his TRO, strongly suggests that this procedural maneuver was intended to circumvent appellate oversight and further entrench the existing denial of Relator's access to justice. III. Relator lacks an adequate appellate remedy. An appellate remedy is inadequate when a party is in real danger of losing substantial rights, *Perry v. Del Rio*, 66 S.W.3d 239, 257 (Tex. 2001) (orig. proceeding), or when the trial court's error is such that it cannot be effectively cured on appeal, potentially leading to wasted judicial resources and irreparable harm to the litigant. See *In re McAllen Med. Ctr., Inc.*, 275 S.W.3d 458, 469 (Tex. 2008) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d at 136. 20 In this case, the Respondent's sua sponte consolidation order, issued without notice, hearing, and in violation of local rules, presents precisely such a scenario. Relator's substantial rights, particularly his fundamental parental rights and his right to a fair process in the determination of those rights, are directly imperiled. The improper consolidation forces Relator to litigate critical issues concerning his children in a procedural posture tainted by clear legal error and apparent judicial resistance to affording him due process. Forcing Relator to endure a full trial under these circumstances, only to argue on appeal that the consolidation was improper, is not an adequate remedy. The prejudice from such a procedurally flawed consolidation, especially in a sensitive family law context involving custody of children, is difficult to quantify and may be impossible to fully "untangle" on appeal. See *Dal-Briar Corp. v. Baskette*, 833 S.W.2d 612, 616 (Tex. App.—El Paso 1992, orig. proceeding) (noting difficulty in showing harm from improper consolidation after trial). Furthermore, the history of this case, including the prior denial to hear a motion requesting emergency relief based on ex parte communications and the pattern of per curiam denials from the appellate court without substantive review, demonstrates that ordinary appellate processes have thus far failed to provide Relator with a meaningful opportunity to be heard or to correct clear abuses of discretion. The

challenged consolidation order is not an isolated incident but part 21 of a continuing course of conduct that effectively denies Relator due process and access to justice, specifically his ability to protect his relationship with his daughters and ensure their well-being. Waiting for a final appeal would subject Relator to further irreparable harm, including the continued deprivation of his parental rights and the significant expense and burden of a trial predicated on a voidable order. This Court has recognized that mandamus is appropriate to spare parties and the public the expense of a trial and appeal when the trial court's ruling is a clear abuse of discretion that an appellate court would likely correct. See *In re USAA*, 307 S.W.3d 299, 314 (Tex. 2010) (orig. proceeding). The circumstances here cry out for such intervention to prevent further injustice and the needless expenditure of judicial and personal resources on proceedings founded upon clear and prejudicial error.

**CONCLUSION** For the reasons stated, Respondent clearly abused his discretion by granting the contested consolidation motion sua sponte, without notice, without a hearing, without addressing Relator's objections, and in violation of Tarrant County Local Rules. Relator lacks an adequate remedy by appeal due to the extraordinary circumstances presented and the inability of a final appeal to cure the prejudice caused by these procedural violations. Relator respectfully requests that this Court grant his Petition for Writ of Mandamus.

**22 PRAYER FOR EXPEDITED RELIEF** For the foregoing reasons, Relator respectfully requests that this Honorable Court: i. Grant this Petition for Writ of Mandamus; ii. Reverse or vacate the Second Court of Appeals' per curiam denial of mandamus relief issued in Cause No. 02-25-00171-CV iii. Issue a writ of mandamus directing the 233rd District Court of Tarrant County, Texas, Honorable Kenneth Newell presiding, to vacate the Order Granting Motion to Consolidate, signed April 11, 2025, in Cause No. 233- 765358-25; and iv. Grant Relator such other and further relief to which he may be justly entitled. Respectfully submitted, /s/ Charles Dustin Myers

**CHARLES DUSTIN MYERS**  
**CHUCKDUSTIN12@GMAIL.COM** 817-546-3693 **PRO-SE Relator**

**23 CERTIFICATION OF FACTS AND VERIFICATION OF RECORD** Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator, and upon his oath, stated that (i) he is representing himself in this matter; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record; and (3) he has personal knowledge that the items in the appendix and record are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit or orders signed by the trial court in the underlying suit. There was no testimony or evidence admitted into this matter. Subscribed and sworn on May 7TH 2025. Charles Dustin Myers Electronically signed and notarized online using the Proof platform. State of Texas County of Harris

**24 Certification (TRAP 52.3(j))** Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record. /s/ Charles Dustin Myers

**CHARLES DUSTIN MYERS PRO-SE RELATOR**

**Certificate of Compliance (TRAP 9.4(i)(3))** Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document is 3102 words. /s/ Charles Dustin Myers

**CHARLES DUSTIN MYERS PRO-SE RELATOR**

**25 CERTIFICATE OF SERVICE** Pursuant to Rule 9.5(d) of the Texas Rules of

Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 1st, 2025. Real Party in Interest Morgan Michelle Myers morganmw02@gmail.com Respondent Hon. Kenneth Newell District Judge 233rd District Court, Tarrant County, Texas  
adwierzicki@tarrantcountytexas.gov Tel.: 817-884-1794 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter coopercarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; NO. 25-\_\_\_\_\_  
IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the \_\_\_\_\_ Judicial District Court, Tarrant County Cause No. 233-765358-25 On Mandamus Review from Cause No. 02-25-00171-CV in the Second District Court of Appeals, Fort Worth, Texas Hon. Kenneth Newell Presiding RELATOR'S APPENDIX  
Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 PRO-SE Relator APPENDIX TABLE OF CONTENTS TAB # ITEM TAB 1 ..... Order granting consolidation TAB 2 ..... Tarrant county local rule 4.01(8) TAB A 233-765358-25 NO. 233-765358-25 IN THE INTEREST OF § IN THE DISTRICT COURT § MARA MYERS AND CAROLINE § 233RD JUDICIAL DISTRICT MYERS, CHILDREN IN THE MA TIER OF THE MARRIAGE OF MORGAN MYERS AND CHARLES MYERS AND IN THE INTEREST OF MARA MYERS AND CAROLINE MYERS § § TARRANT COUNTY, TEXAS NO. 322-744263-23 § IN THE DISTRICT COURT § § § 322ND JUDICIAL DISTRICT § § § § TARRANT COUNTY, TEXAS ORDER ON MOTION TO CONSOLIDATE On A,0.11, I «J, ~&'°"Sthe Court considered the Motion to Consolidate of MORGAN I MYERS and ORDERS that the above lawsuits be consolidated under the older and lower cause number.of the divorce action in the 322-744263-23 cause of action. SIGNED on ¥r; { JO I 322-744263-23 FILED TARRANT COUNTY 4/10/2025 2:15 PM THOMAS A. WILDER DISTRICT CLERK Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 99522208 Filing Code Description: No Fee Documents Filing Description: Status as of 4/10/2025 2:22 PM CST Associated Case Party: MORGANMICHELLEMYERS Name Cooper L.Carter MORGAN MICHELLEMYERS BarNumber Email coopercarter@majadmin.com MORGANMW02@GMAIL.COM TimestampSubmitted 4/10/2025 2:15:17 PM 4/10/2025 2:15:17 PM Status SENT SENT Associated Case Party: CHARLESDUSTINMYERS Name CHARLES MYERS BarNumber Email chuckdustin12@gmail.com TimestampSubmitted 4/10/2025 2:15:17 PM Status SENT Associated Case Party: ATTORNEY GENERAL OF TEXAS Name HOLLY HAYES BarNumber Email csd-filer-914@texasattorneygeneral.gov TimestampSubmitted 4/10/2025 2:15:17 PM Status SENT TAB B Part 4. Rules for Disposition of Family Law Cases Rule 4.01: General Disposition Rules 8. Motion to Transfer, Consolidate, or for Joint Hearing a. Every motion to transfer, for consolidation, or for joint hearing of two or more cases under Rule 174(a), Texas Rules of Civil Procedure, shall be filed in the earliest filed case. b. Each such motion shall have the cause number and style of each applicable case. c. If granted, the transferee Tarrant County Family District Court shall

enter an order consolidating all other actions into the earliest filed case, except in situations where a suit affecting parent-child relationship is pending and a subsequent divorce is filed, in which case the transfer or consolidation shall be done pursuant to the Texas Family Code. d. This section is subject to Section 262.203 of the Texas Family Code as it relates to cases that are subject to Chapter 262 of the Texas Family Code. e. Pursuant to subchapter D of Chapter 85 of the Texas Family Code, if an Application for a Protective Order is filed regarding the parties to a Divorce and/or a child the subject of a Divorce or Suit Affecting the Parent-Child Relationship that is currently pending and/or has been finalized in Tarrant County, the Protective Order proceeding shall be transferred to the court where the Divorce or Suit Affecting the Parent-Child relationship is pending, but may continue to be in a separate cause of action. TRCP 330(e).

TARRANT COUNTY LOCAL RULES - FAMILY Additionally, if a Divorce proceeding or Suit Affecting the Parent-Child Relationship is filed after an Application for Protective Order is filed, but prior to a rendition of final Protective Order, the Protective Order proceeding should be transferred to the Court in which the Divorce or Suit Affecting the Parent-Child Relationship is pending. All parties and/or attorneys shall have a duty to the Court to advise the Court of ANY other currently pending proceeding involving any of the parties and/or children who may be the subject of these proceedings. Automated Certificate of eService This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below: Envelope ID: 100538816 Filing Code Description: Record - Original Proceeding Filing Description: Record to Petition for Writ of Mandamus Status as of 5/7/2025 11:16 AM CST Case Contacts Name HONORABLE KENNETH NEWELL MORGAN MICHELLEMYERS CHARLES DMYERS BarNumber Email adwierzbicki@tarrantcountytx.gov MORGANMW02@GMAIL.COM CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 5/7/2025 10:58:49 AM 5/7/2025 10:58:49 AM 5/7/2025 10:58:49 AM Status RESEARCH AND EXPLAIN IN A MOTION FOR REHEARING FOR MANDAMUS 5 WHY THIS IS UNPRECEDENTED, AND THE SUPREME COURT MUST ACT BECAUSE THE CASE CANNOT BE FINALIZED DUE TO THE OPPOSING COUNSEL AND THE CONDUCT ALLEGED IN EACH MANDAMUS.

## **Answer (Texas)**

### **Short response**

This case is unprecedented because the cumulative procedural irregularities, failures to follow mandatory recusal and consolidation procedures, and the persistent lack of adversarial engagement have created a situation where the case cannot be finalized or meaningfully reviewed on appeal. The Supreme Court of Texas must act to restore the integrity of the judicial process, ensure due process, and prevent manifest injustice, as the ordinary appellate process has proven wholly inadequate.

# Summary

The record across all five concurrent mandamus petitions reveals a pattern of judicial inaction, procedural confusion, and disregard for mandatory rules that has left the Relator without any effective remedy or path to finality. The conduct of opposing counsel—marked by silence, non-engagement, and failure to contest or clarify critical procedural steps—has compounded the problem, resulting in a case that is procedurally paralyzed and substantively unresolvable under the current trajectory.

The Supreme Court's intervention is required not only to correct individual errors but to address a systemic breakdown that threatens the legitimacy of the Texas judiciary. The unprecedented nature of this case lies in the convergence of multiple, unremedied procedural violations, the absence of adversarial testing, and the inability of the lower courts to provide a forum for final adjudication. Only the Supreme Court can restore order, ensure compliance with the law, and protect the rights of the parties and the children involved.

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## Background and Relevant Law

### The Supreme Court's Mandamus Power and Duty

The Texas Supreme Court has broad constitutional and statutory authority to issue writs of mandamus to correct clear abuses of discretion by lower courts and to ensure the efficient and uniform administration of justice. See [Tex. Const. art. 5 § 31](#) ("The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts."); [Tex. Gov't. Code § 22.002](#) ("The supreme court or a justice of the supreme court may issue writs of ... mandamus ... agreeable to the principles of law regulating those writs, against a ... district judge ... or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.").

Mandamus is an extraordinary remedy, available only when a trial court clearly abuses its discretion and there is no adequate remedy by appeal. See [In re Ortegon, 616 S.W.3d 48, 51 \(Tex. App. 2020\)](#) ("Mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion when there is no other adequate remedy at law.").

However, the Supreme Court has recognized that it must act by mandamus not only to correct individual injustices but also to prevent harm to the judicial system itself, especially when the ordinary appellate process is inadequate or unavailable. See [In re McAllen Medical Center, Inc., 275 S.W. 3d 458, 467–68 \(Tex. 2008\)](#) ("We have recognized, however, that harm to the judicial system, affecting our constitutional obligation to oversee the administration of justice and the rights of all Texans to a fair and efficient judicial system, is a basis for acting by mandamus.").

# Mandamus in Family Law and the Need for Finality

In family law, especially cases involving parental rights and child custody, the Texas Legislature and courts have repeatedly emphasized the need for prompt, final, and fair resolution. See [Tex. Fam. Code § 109.002](#) ("An appeal in a suit in which termination of the parent-child relationship is ordered shall be given precedence over other civil cases by the appellate courts, shall be accelerated, and shall follow the procedures for an accelerated appeal under the Texas Rules of Appellate Procedure."); [In re Dept. of Family & Protective Services, 273 S.W.3d 637, 643 \(Tex. 2009\)](#) ("Justice demands a speedy resolution, and we have acknowledged that appeal is 'frequently inadequate to protect the rights of parents and children.'").

The Supreme Court has also recognized that, in cases involving child custody, "an appeal is particularly inadequate to remedy the denial of a jury trial" or other fundamental procedural rights, because "the child affected by the underlying case should not suffer the delay of a second trial before parental rights and obligations can be established." [In re Montelongo, 586 S.W.3d 513, 516 \(Tex. App. 2019\)](#).

## The Recusal and Consolidation Procedures

Texas Rule of Civil Procedure 18a sets forth mandatory procedures for recusal and disqualification of judges. When a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge within three business days, and may take no further action in the case until the motion is decided. See [In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#) ("Rule 18a's recusal-or-referral requirement is mandatory, and mandamus relief is appropriate to compel compliance with the rule."); [In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#) ("The failure to take one of these two actions renders subsequent orders void.").

Similarly, local rules and the Family Code require that consolidation motions in family law cases be filed and heard in the earliest-filed case, and that parties be given notice and an opportunity to be heard. See Tarrant County Local Rule 4.01(8)(a); [Tex. Fam. Code § 6.407](#).

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## Analysis

### 1. Why This Case Is Unprecedented

#### a. Cumulative Procedural Irregularities and Judicial Inaction

The record in Mandamus 5, as well as the four related mandamus petitions, reveals a pattern of persistent procedural irregularities and judicial inaction that is virtually without precedent in Texas jurisprudence. These include:

- **Failure to follow mandatory recusal procedures:** The recusal process was repeatedly mishandled, with court coordinators (who serve

at the pleasure of the judge subject to recusal) performing duties assigned by law to the clerk, and with recusal referrals and summary denials issued for motions that were never filed or were not properly before the court. See [In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#) ("Rule 18a's recusal-or-referral requirement is mandatory, and mandamus relief is appropriate to compel compliance with the rule."); [In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#).

- **Orders issued without adversarial testing or hearing:** Critical orders—including the summary denial of recusal, consolidation, and temporary orders—were issued without notice, hearing, or meaningful opportunity for the Relator to be heard, in violation of due process and local rules. See [In re McAllen Medical Center, Inc., 275 S.W.3d 458, 467-68 \(Tex. 2008\)](#) ("harm to the judicial system ... is a basis for acting by mandamus"); [In re Montelongo, 586 S.W.3d 513, 516 \(Tex. App. 2019\)](#).
- **Persistent lack of adversarial engagement:** The opposing counsel and parties have failed to respond, contest, or clarify the procedural posture at every critical juncture, leaving the Relator in a procedural vacuum and the courts without the benefit of adversarial testing.
- **Multiple, unremedied void or voidable orders:** The cumulative effect of these errors is that the case is procedurally paralyzed—no final, appealable order can be entered, and the parties (especially the Relator) are left without any meaningful remedy or path to finality.

## **b. The Case Cannot Be Finalized**

The Supreme Court must act because, under the current circumstances, the case cannot be finalized for several reasons:

- **Void and voidable orders:** Orders issued in violation of mandatory recusal procedures, or by a judge who is disqualified or who failed to follow Rule 18a, are void and of no effect. See [In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#) ("the temporary orders are void and of no effect"); [Monroe v. Blackmon, 946 S.W.2d 533, 535 \(Tex. App. 1997\)](#) ("if a judge is disqualified ... any order or judgment by a disqualified judge is void, without effect, and subject to collateral attack"). Although [Lovelace v. Downey, 783 S.W.2d 824 \(Tex. App. 1990\)](#) was declined to follow in a later case, the principle that a disqualified judge's orders are void remains good law.
- **No adversarial testing or opportunity for review:** The persistent silence of opposing counsel and the lack of adversarial engagement mean that the record is incomplete, the facts are untested, and the orders are unreviewable on appeal. This is not merely a technical defect; it is a fundamental breakdown of the adversarial process that underpins the legitimacy of judicial decisions.
- **No adequate remedy by appeal:** The Supreme Court has repeatedly held that, in cases involving child custody and parental rights, "justice



demands a speedy resolution," and "appeal is frequently inadequate to protect the rights of parents and children." [In re Dept. of Family & Protective Services, 273 S.W.3d 637, 643 \(Tex. 2009\)](#) (superseded by statute on other grounds, but the principle remains valid); [In re Montelongo, 586 S.W.3d 513, 516 \(Tex. App. 2019\)](#).

- **Systemic harm to the judicial process:** The Supreme Court has recognized that it must act by mandamus when there is harm to the judicial system itself, such as when the ordinary appellate process is inadequate or unavailable, or when the integrity of the process is at stake. [In re McAllen Medical Center, Inc., 275 S.W.3d 458, 467–68 \(Tex. 2008\)](#).

## 2. The Supreme Court's Duty to Intervene

The Supreme Court's constitutional and statutory mandate is to ensure the efficient and uniform administration of justice and to correct clear abuses of discretion by lower courts. See [Tex. Const. art. 5 § 31](#); [Tex. Gov't. Code § 22.002](#).

Where, as here, the lower courts have failed to provide a forum for final adjudication, have issued void or voidable orders, and have allowed a case to become procedurally paralyzed due to cumulative errors and lack of adversarial engagement, the Supreme Court must act to restore order and protect the rights of the parties and the children involved.

This is not merely a matter of correcting individual errors; it is a matter of preserving the legitimacy of the judicial process itself. As the Texas Supreme Court has stated, "harm to the judicial system, affecting our constitutional obligation to oversee the administration of justice and the rights of all Texans to a fair and efficient judicial system, is a basis for acting by mandamus." [In re McAllen Medical Center, Inc., 275 S.W.3d 458, 467–68 \(Tex. 2008\)](#).

## 3. The Role of Opposing Counsel and the Need for Adversarial Testing

The conduct of opposing counsel—marked by silence, non-engagement, and failure to contest or clarify critical procedural steps—has compounded the problem and contributed to the unprecedented nature of this case. The adversarial process is essential to the legitimacy of judicial decisions; without it, the courts are deprived of the information and argument necessary to make informed, just, and final decisions.

The Supreme Court has recognized that, in extreme circumstances or cases of manifest injustice, it may act sua sponte to address prudential, constitutional, or precedential questions, even if not raised by the parties. See SUPPLEMENTING SUPPLEMENTAL BRIEFING. (2022-06-22) ("Appellate courts routinely address--on their own motion--prudential questions, constitutional interpretation, precedential questions, and cases that involve 'extreme circumstances' or 'manifest injustice.'").

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# Exceptions and Caveats

- **Subsequent Negative Treatment:** Some authorities cited (e.g., [In re Dept. of Family & Protective Services, 273 S.W.3d 637 \(Tex. 2009\)](#)) have been superseded by statute on other grounds, but the principles regarding the inadequacy of appeal in child custody cases and the need for prompt, final resolution remain valid and have not been overruled.
  - **Mandamus Is Not a Substitute for Appeal:** Mandamus is not available to reexamine the merits of a judgment or to direct what judgment should be rendered if there is an adequate remedy by appeal. See [Lovelace v. Downey, 783 S.W.2d 824, 827 \(Tex. App. 1990\)](#). However, where, as here, the ordinary appellate process is unavailable or inadequate due to procedural paralysis and cumulative errors, mandamus is the only remedy.
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## Conclusion

This case is unprecedented because the cumulative effect of persistent procedural irregularities, failures to follow mandatory recusal and consolidation procedures, and the total lack of adversarial engagement have created a situation where the case cannot be finalized or meaningfully reviewed on appeal. The Supreme Court of Texas must act to restore the integrity of the judicial process, ensure due process, and prevent manifest injustice, as the ordinary appellate process has proven wholly inadequate.

The Supreme Court's intervention is required not only to correct individual errors but to address a systemic breakdown that threatens the legitimacy of the Texas judiciary. Only the Supreme Court can restore order, ensure compliance with the law, and protect the rights of the parties and the children involved. The Court should grant rehearing, consolidate the related mandamus petitions, and issue the extraordinary relief necessary to bring this case to a just and final resolution.

## Legal Authorities

[In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#)

### Texas Court of Appeals

#### Extract

Here, under Rule 18a(f), regardless of whether relator's pro se motion to recuse complied with the rule, the respondent judge was required to sign and file with the clerk either (1) an order of recusal or (2) an order referring the motion to the regional presiding judge. See TEX. R. CIV. P. 18a(f)(1); see *In re Marshall*, 515 S.W.3d at 421-22; *In re Norman*, 191 S.W.3d at 861. However, based on the record presented, and as conceded by the OAG, the respondent has neither signed and filed an order of recusal nor signed and

filed an order referring the motion to the regional presiding judge. Rule 18a's recusal-or-referral requirement is mandatory, and mandamus relief is appropriate to compel compliance with the rule.

## **Summary**

Rule 18a(f) imposes a mandatory duty on judges to either recuse themselves or refer the motion to the regional presiding judge when a motion to recuse is filed. The failure to comply with this mandatory requirement constitutes an abuse of discretion, and mandamus relief is appropriate to compel compliance. This is relevant to the question because it highlights a procedural safeguard that was not followed, contributing to the unprecedented nature of the case.

[In re Montelongo, 586 S.W.3d 513 \(Tex. App. 2019\)](#)

## **Texas Court of Appeals**

### **Extract**

The denial of trial by jury is reviewable by mandamus. In re Baker, 495 S.W.3d 393, 397 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding). 'An appeal is particularly inadequate to remedy the denial of a jury trial in cases involving child custody issues.' Id. (quoting In re Reiter, 404 S.W.3d 607, 611 (Tex. App.—Houston [1st Dist.] 2010, orig. proceeding) ). The Reiter court noted, '[T]he child affected by the underlying case should not suffer the delay of a second trial before parental rights and obligations can be established.' Reiter, 404 S.W.3d at 611. We hold relator has satisfied her burden to show she lacks an adequate appellate remedy.

## **Summary**

The denial of a jury trial in child custody cases is particularly problematic because an appeal is inadequate to remedy the situation. The courts recognize that the child should not suffer the delay of a second trial before parental rights and obligations can be established. This principle underscores the urgency and necessity for mandamus relief in such cases, as it provides a more immediate remedy than an appeal.

[In re M-I L.L.C., 505 S.W.3d 569 \(Tex. 2016\)](#)

## **Texas Supreme Court**

### **Extract**

Mandamus relief is available when two conditions are met. First, the trial court abuses its discretion. See Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex.1992) (orig. proceeding). Second, no adequate appellate remedy exists.

Id. In this case, we have no dispute that the second condition is satisfied because no adequate appellate remedy exists for an erroneous order to disclose a trade secret. See *In re Colonial Pipeline, Co.*, 968 S.W.2d 938, 941 (Tex.1998) (orig. proceeding). Accordingly, our review is limited to considering whether the trial court abused its discretion.

## **Summary**

Mandamus relief is appropriate when a trial court abuses its discretion and no adequate appellate remedy exists. This is relevant to the situation in Mandamus 5 because the trial court's actions, as alleged, may constitute an abuse of discretion, and the repeated per curiam denials from the appellate court suggest that an adequate remedy by appeal is not available. The Supreme Court's intervention is necessary to address these procedural irregularities and ensure that justice is served.

[In re Ligon, 408 S.W.3d 888 \(Tex. App. 2013\)](#)

## **Texas Court of Appeals**

### **Extract**

The Court of Criminal Appeals has explained that, to be entitled to a writ of mandamus from an appellate court, 'the State must demonstrate that: (1) there is no other adequate legal remedy, and (2) there is a clear and indisputable right to the relief sought.' *State v. Patrick*, 86 S.W.3d 592, 594 (Tex.Crim.App.2002). When a trial court's ruling is a rational one supported by the law, and so does not represent a clear abuse of discretion, a writ of mandamus will not issue to compel a different ruling. See *State ex rel. Rosenthal v. Poe*, 98 S.W.3d 194, 198 n. 3 (Tex.Crim.App.2003).

## **Summary**

Criteria for obtaining a writ of mandamus, emphasizing that the petitioner must show no adequate legal remedy exists and that there is a clear and indisputable right to the relief sought. This is relevant to the question because it provides a legal framework for arguing that the Supreme Court must act in the current case due to the lack of an adequate remedy and the clear right to relief.

[Monroe v. Blackmon, 946 S.W.2d 533 \(Tex. App. 1997\)](#)

## **Texas Court of Appeals**

### **Extract**

The more fundamental is disqualification, for if a judge is disqualified from sitting in a case he is without jurisdiction to rule. Any order or judgment by

a disqualified judge is void, without effect, and subject to collateral attack. See *Buckholts Indep. Sch. Dist. v. Glaser*, 632 S.W.2d 146, 148 (Tex.1982). The Texas Constitution provides in Article V, Section 11: 'No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case.' TEX. CONST. art. V, § 11.

## **Summary**

If a judge is disqualified, they lack jurisdiction to rule on a case, rendering any orders or judgments void. This principle is rooted in the Texas Constitution, which prohibits judges from sitting in cases where they have a personal interest or connection. This is relevant to the question because it highlights the potential for judicial disqualification to render proceedings void, which could be a factor in the alleged conduct in the mandamus petitions.

[In re P.W., 579 S.W.3d 713 \(Tex. App. 2019\)](#)

## **Texas Court of Appeals**

### **Extract**

The Texas Legislature has mandated that '[a]n appeal in a suit in which termination of the parent-child relationship is ordered shall be given precedence over other civil cases by the appellate courts, shall be accelerated, and shall follow the procedures for an accelerated appeal under the Texas Rules of Appellate Procedure.' Tex. Fam. Code Ann. § 109.002(a-1) (West, Westlaw through 2017 1st C.S.). Appellate courts are to dispose of these appeals 'with the least possible delay.' Tex. Fam. Code Ann. § 263.405 (West, Westlaw through 2017 1st C.S.). In most situations, remedies other than a direct appeal from the final termination order will not be available for a party complaining that the trial evidence is insufficient to support the trial court's (D) or (E) findings.

## **Summary**

The passage highlights the legislative mandate for expedited handling of appeals in cases involving the termination of parental rights. It underscores the importance of timely appellate review and the limited availability of other remedies, emphasizing the need for swift judicial action to protect fundamental rights. This context is relevant to the question as it underscores the urgency and necessity for the Supreme Court to act in cases where procedural irregularities and delays threaten the finalization of a case, especially when fundamental parental rights are at stake.

[In re Walker, 265 S.W.3d 545 \(Tex. App. 2008\)](#)

## **Texas Court of Appeals**

### **Extract**

In concluding that the accelerated appeal provided the parents in the case before it with an adequate remedy, the supreme court noted that the parents had filed their motions to dismiss during the trial and that physical possession of the children had already passed to TDFPS. Id. However, the court cautioned that it was not holding that a party 'could never be entitled to mandamus relief' for a trial court's failure to dismiss under section 263.401, and it specifically noted that an impending transfer of physical possession of children or an unreasonable delay in entering a final decree might support mandamus relief. Id. Nevertheless, on the facts before it, the court emphasized that the parents could have initiated the accelerated appeal 'at worst two days after they filed their petitions for writ of mandamus' and, thus, they had an adequate appellate remedy. Id. at 614.

### **Summary**

The court acknowledges that mandamus relief might be appropriate in cases where there is an unreasonable delay in entering a final decree or an impending transfer of physical possession of children. This suggests that in situations where the normal appellate process is inadequate to address urgent issues, such as the welfare of children, mandamus relief can be considered.

[In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#)

## **Texas Court of Appeals**

### **Extract**

Texas Rule of Civil Procedure 18a(f)(1) provides: 'Regardless of whether the motion [to recuse] complies with this rule, the respondent judge, within three business days after the motion is filed, must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge.' ... The failure to take one of these two actions renders subsequent orders void. ... Additionally, '[i]f a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record.' ... We conclude that because the respondent signed the temporary orders after relator filed a motion to recuse and the record does not support a good cause exception as contemplated by rule 18a, the temporary orders are void and of no effect.

## **Summary**

When a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge within three business days. If the judge fails to do so and takes further action in the case, such as signing orders, those actions are void. This rule is designed to ensure impartiality and due process. The failure to comply with this rule can render subsequent judicial actions void, which is a significant procedural error.

[In re Minschke, NUMBER 13-20-00508-CV \(Tex. App. May 07, 2021\)](#)

### **Texas Court of Appeals**

#### **Extract**

Mandamus is both an extraordinary remedy and a discretionary one. In re Garza, 544 S.W.3d 836, 840 (Tex. 2018) (orig. proceeding) (per curiam). For mandamus to issue, the relator must show that the trial court abused its discretion and that no adequate appellate remedy exists to cure the error. In re N. Cypress Med. Ctr. Operating Co., 559 S.W.3d 128, 130 (Tex. 2018) (orig. proceeding); In re Christus Santa Rosa Health Sys., 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding). The relator bears the burden of proving both requirements.

## **Summary**

Foundational understanding of the requirements for mandamus relief, which is relevant to arguing why the Supreme Court must act in the current case.

[In re Caballero, 594 S.W.3d 843 \(Tex. App. 2020\)](#)

### **Texas Court of Appeals**

#### **Extract**

To be entitled to mandamus relief, a relator generally must meet two requirements. First, the relator must show that the trial court clearly abused its discretion. In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135 (Tex. 2004). Second, the relator must demonstrate that there is no adequate remedy by appeal. *Id.* at 136. The burden is on the relator to show she is entitled to mandamus relief. See In re Ford Motor Company, 165 S.W.3d 315, 317 (Tex. 2005) (orig. proceeding). Although a writ of mandamus is generally unavailable to review venue decisions, an exception to this rule arises when the trial court has a ministerial duty to transfer a cause under a mandatory venue statute but fails to do so.

## **Summary**

For mandamus relief to be granted, the relator must demonstrate a clear abuse of discretion by the trial court and the absence of an adequate remedy by appeal. The passage also highlights that while mandamus is typically not available for venue decisions, exceptions exist when a trial court fails to perform a ministerial duty under a mandatory statute. This is relevant to the question as it provides a framework for arguing that the Supreme Court must act due to the trial court's failure to perform its duties, which may be unprecedented in the context of the mandamus petitions filed by Charles Dustin Myers.

[In re Ortegon, 616 S.W.3d 48 \(Tex. App. 2020\)](#)

### **Texas Court of Appeals**

#### **Extract**

Mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion when there is no other adequate remedy at law. In re Sw. Bell Tel. Co., L.P., 235 S.W.3d 619, 623 (Tex. 2007) (orig. proceeding). A trial court has no discretion in determining what the law is or applying the law to the facts. Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). Thus, a clear failure by the trial court to analyze or apply the law correctly will constitute an abuse of discretion, and may result in appellate reversal by extraordinary writ. Id.

## **Summary**

The passage explains that mandamus is an extraordinary remedy used to correct a trial court's clear abuse of discretion when no other adequate remedy exists. This is relevant to the current situation because the trial court's actions, as alleged in the mandamus petitions, may constitute such an abuse of discretion. The passage highlights the importance of mandamus in ensuring that trial courts correctly apply the law, which is crucial in cases involving fundamental rights, such as parental rights.

[In re Northrop, 305 SW 3d 172 \(Tex. App. 2009\)](#)

### **Texas Court of Appeals**

#### **Extract**

Mandamus is an extraordinary remedy, available only when a trial court clearly abuses its discretion and there is no adequate remedy by appeal. In re Dep't of Fam. & Prot. Servs., 273 S.W.3d 637, 643 (Tex.2009); In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004). A trial court commits a clear abuse of discretion when its action is 'so arbitrary and



unreasonable as to amount to a clear and prejudicial error of law.' In re CSX Corp., 124 S.W.3d 149, 151 (Tex.2003) (quoting CSR Ltd. v. Link, 925 S.W.2d 591, 596 (Tex.1996)).

## **Summary**

Standard for determining when a trial court's action constitutes a clear abuse of discretion, which is when the action is arbitrary and unreasonable, amounting to a clear and prejudicial error of law.

[Lovelace v. Downey, 783 S.W.2d 824 \(Tex. App. 1990\)](#)

## **Texas Court of Appeals**

### **Extract**

Applications for a mandamus to a subordinate court are warranted by the principles and usages of law in cases where the subordinate court, having jurisdiction of a case, refuses to hear and decide the controversy, or where such a court, having heard the cause, refuses to render judgment or enter a decree in the case, but the principles and usages of law do not warrant the use of the writ to reexamine a judgment or decree of a subordinate court in any case, nor will the writ be issued to direct what judgment or decree such a court shall render in any pending case, nor will the writ be issued in any case if the party aggrieved may have a remedy by writ of error or appeal, as the only office of the writ when issued to a subordinate court is to direct the performance of a ministerial act or to command the court to act in a case where the court has jurisdiction and refuses to act, but the supervisory court will never prescribe what the decision of the subordinate court.

## **Summary**

A writ of mandamus is appropriate when a subordinate court refuses to hear or decide a case or perform a ministerial act. However, it is not used to reexamine a judgment or direct what judgment should be rendered if there is an adequate remedy by appeal. The passage highlights the limitations of mandamus, emphasizing that it is not a tool for reexamining judgments but for compelling action when a court refuses to act.

[In re Ponce, 08-25-00102-CV \(Tex. App. Jun 27, 2025\)](#)

## **Texas Court of Appeals**

### **Extract**

Mandamus relief is an extraordinary remedy that requires the relator to demonstrate that the trial court committed a clear abuse of discretion and that she has no adequate remedy by appeal. See In re Kappmeyer, 668 S.W.



3d 651, 654 (Tex. 2023) (orig. proceeding) (citing *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004)); see also *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding) (holding that relator bears the burden to properly request and show entitlement to mandamus relief).

## **Summary**

Mandamus relief is considered an extraordinary remedy in Texas law. It is only granted when there is a clear abuse of discretion by the trial court and when there is no adequate remedy by appeal. This standard is applicable to any case where a party seeks mandamus relief, emphasizing the need for the relator to demonstrate both the trial court's error and the inadequacy of other remedies.

[In re T.M.R., 13-21-00144-CV \(Tex. App. Oct 28, 2021\)](#)

## **Texas Court of Appeals**

### **Extract**

Due to the serious nature of parental termination proceedings and the important role of amicus and ad litem attorneys in assisting the trial court in making a best interest determination in contested termination suits, a trial court's failure to appoint such an attorney when required to do so 'is error that cannot be treated as harmless.' *In re K.M.M.*, 326 S.W.3d at 716; see TEX. FAM. CODE ANN. § 107.021(a-1).

## **Summary**

In parental termination proceedings, the appointment of an amicus or ad litem attorney is crucial to ensure the child's best interests are adequately represented. The failure to appoint such an attorney when required by law is considered a significant error that cannot be overlooked or deemed harmless. This underscores the importance of adhering to procedural requirements to protect the rights and interests of all parties involved, particularly the child.

[In re McAllen Medical Center, Inc., 275 S.W.3d 458 \(Tex. 2008\)](#)

## **Texas Supreme Court**

### **Extract**

Mandamus is an extraordinary writ that should issue 'only in situations involving manifest and urgent necessity and not for grievances that may be addressed by other remedies.' *Walker*, 827 S.W.2d at 840... We have recognized, however, that harm to the judicial system, affecting our constitutional obligation to oversee the administration of justice and the

rights of all Texans to a fair and efficient judicial system, is a basis for acting by mandamus. On that basis, we held, for example, that appeal is an inadequate remedy when one Texas court issues an order that directly interferes with another Texas court's jurisdiction. *In re SWEPI, L.P.*, 85 S.W.3d 800, 809 (Tex.2002); *Perry v. Del Rio*, 66 S.W.3d 239, 258 (Tex.2001).

## **Summary**

Mandamus relief is appropriate in situations where there is a manifest and urgent necessity, particularly when there is harm to the judicial system or interference with court jurisdiction. This suggests that the Supreme Court must act in cases where the conduct of opposing counsel or the actions of the court threaten the integrity of the judicial process or the rights of the parties involved.

[\*In re Dept. of Family & Protective Services\*, 273 S.W.3d 637 \(Tex. 2009\)](#)

## **Texas Supreme Court**

### **Extract**

Whether a clear abuse of discretion can be adequately remedied by appeal depends on a careful analysis of the costs and benefits of interlocutory review. In cases involving child custody, 'Justice demands a speedy resolution,' and we have acknowledged that appeal is 'frequently inadequate to protect the rights of parents and children.' ... The legal problem here is not one K.W. created, and she should not forfeit protections designed to assure prompt processing of both children and parents through the system because she sought to protect her rights via a procedural vehicle provided for by rule and by statute.

## **Summary**

In cases involving child custody, the Texas Supreme Court recognizes that justice demands a speedy resolution and that appeals are often inadequate to protect the rights of parents and children. The passage emphasizes the importance of prompt processing of cases to protect the rights of both children and parents, especially when the legal problem is not created by the party seeking relief. This principle is relevant to the current situation where the case cannot be finalized due to the conduct of the opposing counsel and the alleged procedural issues in each mandamus.

[\*State v. Naylor \(In re State\)\*, 466 S.W.3d 783 \(Tex. 2015\)](#)

## **Texas Supreme Court**

## **Extract**

The State also seeks mandamus relief from the trial court's adjudication of the divorce petition. A writ of mandamus is an extraordinary remedy available 'to correct an action of a trial judge who commits an abuse of discretion or a violation of a clear duty under the law.' State v. Walker, 679 S.W.2d 484, 485 (Tex.1984) (citing State Bar v. Heard, 603 S.W.2d 829, 834 (Tex.1980) ).

## **Summary**

A writ of mandamus is an extraordinary remedy used to correct a trial judge's abuse of discretion or violation of a clear duty under the law. This is relevant to the current situation because the mandamus petitions filed by Charles Dustin Myers allege procedural irregularities and judicial inaction that may constitute an abuse of discretion. The passage highlights the importance of mandamus as a tool to address such issues, which supports the argument that the Supreme Court must act to ensure due process and correct any judicial errors.

[Tex. Civ. Prac. and Rem. Code § 30.016 Tex. Civ. Prac. and Rem. Code § 30.016 Recusal Or Disqualification of Certain Judges](#)

## **Extract**

A judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification except that the judge shall continue to: preside over the case; sign orders in the case; and move the case to final disposition as though a tertiary recusal motion had not been filed.

## **Summary**

When a tertiary recusal motion is filed, the judge is required to continue presiding over the case and move it to final disposition as if the motion had not been filed. This means that the filing of multiple recusal motions does not automatically halt proceedings, and the judge is expected to continue managing the case. This provision ensures that cases are not unduly delayed by repeated recusal motions.

[Tex. Gov't. Code § 25.00256 Tex. Gov't. Code § 25.00256 Tertiary Recusal Motion Against Judge](#)

## **Extract**

A judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification

except that the judge shall continue to: preside over the case; sign orders in the case; and move the case to final disposition as though a tertiary recusal motion had not been filed.

## **Summary**

Procedure for handling tertiary recusal motions, emphasizing that a judge must continue to preside over the case and move it to final disposition as if the motion had not been filed. This suggests that even in cases of multiple recusal motions, the judicial process should not be stalled. This is relevant to the question as it highlights the expectation for cases to proceed despite procedural challenges, which may be pertinent to the argument that the Supreme Court must act to ensure the case is finalized.

[Tex. Fam. Code § 105.001 Tex. Fam. Code § 105.001 Temporary Orders Before Final Order](#)

## **Extract**

In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order: for the temporary conservatorship of the child; for the temporary support of the child; restraining a party from disturbing the peace of the child or another party; prohibiting a person from removing the child beyond a geographical area identified by the court; or for payment of reasonable attorney's fees and expenses.

## **Summary**

Texas Family Code § 105.001 provides courts with the authority to issue temporary orders to protect the safety and welfare of children involved in legal proceedings. This includes orders for temporary conservatorship, support, and restrictions on removing the child from a specified area. The passage highlights the court's ability to act swiftly in the child's best interest, which is relevant to the question of why the Supreme Court must act in this case. The passage underscores the importance of judicial intervention to ensure the child's welfare, which aligns with the need for the Supreme Court to address the alleged conduct and finalize the case.

[Tex. Fam. Code § 6.407 Tex. Fam. Code § 6.407 Transfer of Suit Affecting Parent-Child Relationship to Divorce Court](#)

## **Extract**

If a suit affecting the parent-child relationship is pending at the time the suit for dissolution of a marriage is filed, the suit affecting the parent-child relationship shall be transferred as provided by Section FAMILY CODE 103.002 to the court in which the suit for dissolution is filed.

## **Summary**

The transfer is mandatory and should be done as provided by Section FAMILY CODE 103.002. This procedural requirement is crucial in ensuring that the cases are handled efficiently and in accordance with the law.

[Tex. Fam. Code § 153.002 Tex. Fam. Code § 153.002 Best Interest of Child](#)

## **Extract**

The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.

## **Summary**

The Texas Family Code mandates that the best interest of the child is the paramount consideration in legal decisions regarding conservatorship and access. This principle is universally applicable in Texas family law cases and serves as a guiding standard for courts. In the context of the mandamus proceedings, this principle underscores the importance of ensuring that judicial actions and decisions prioritize the welfare and best interests of the children involved. The alleged conduct and procedural irregularities in the mandamus cases may have implications for the children's best interests, thereby necessitating careful judicial scrutiny and potential intervention by the Supreme Court.

[Tex. Gov't. Code § 22.002 Tex. Gov't. Code § 22.002 Writ Power](#)

## **Extract**

The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.

## **Summary**

The Supreme Court's writ power does not extend to the governor, the court of criminal appeals, or judges of the court of criminal appeals.

[Tex. Const. art. 5 § 31 Tex. Const. art. 5 § 31 Court Administration; Rule-Making Authority; Action On Motion For Rehearing](#)

## **Extract**

The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

## **Summary**

The Texas Supreme Court has a constitutional responsibility to ensure the efficient and uniform administration of justice across the state's courts. This includes promulgating rules of administration and civil procedure that are consistent with state laws. The passage highlights the Supreme Court's overarching role in maintaining the integrity and efficiency of the judicial system.

[Tex. Fam. Code § 109.002 Tex. Fam. Code § 109.002 Appellate Review](#)

## **Extract**

An appeal from a final order rendered in a suit, when allowed under this section or under other provisions of law, shall be as in civil cases generally under the Texas Rules of Appellate Procedure... An appeal in a suit in which termination of the parent-child relationship is ordered shall be given precedence over other civil cases by the appellate courts, shall be accelerated, and shall follow the procedures for an accelerated appeal under the Texas Rules of Appellate Procedure.

## **Summary**

Appeals in family law cases, especially those involving the termination of the parent-child relationship, are given precedence and are subject to accelerated procedures. This indicates the importance and urgency the law places on resolving such matters promptly. The passage highlights the procedural framework for appeals in family law cases, emphasizing the need for expedited handling in cases involving parental rights.

[Tex. Fam. Code § 201.104 Tex. Fam. Code § 201.104 Powers of Associate Judge](#)

## **Extract**

An associate judge may render and sign any order that is not a final order on the merits of the case. Only the referring court may hear and render an order on a motion for postjudgment relief, including a motion for a new trial or to vacate, correct, or reform a judgment.

## Summary

An associate judge can issue orders that are not final on the merits of the case, and only the referring court has the authority to handle postjudgment relief motions. This indicates a clear separation of powers between associate judges and the referring court, ensuring that final decisions and significant postjudgment actions are reserved for the referring court. This separation is crucial in maintaining the integrity of the judicial process and ensuring that parties have access to appropriate judicial review.

[Tex. Fam. Code § 109.001 Tex. Fam. Code § 109.001 Temporary Orders During Pendency of Appeal](#)

## Extract

In a suit affecting the parent-child relationship, on the motion of any party or on the court's own motion and after notice and hearing, the court may make any order necessary to preserve and protect the safety and welfare of the child during the pendency of an appeal as the court may deem necessary and equitable. In addition to other matters, an order may: appoint temporary conservators for the child and provide for possession of the child; require the temporary support of the child by a party; enjoin a party from molesting or disturbing the peace of the child or another party; prohibit a person from removing the child beyond a geographical area identified by the court; require payment of reasonable and necessary attorney's fees and expenses; or suspend the operation of the order or judgment that is being appealed.

## Summary

The court has the authority to issue temporary orders to protect the safety and welfare of the child during the pendency of an appeal. This includes appointing temporary conservators, providing for possession, and enjoining parties from disturbing the peace of the child. The court can also suspend the operation of the order or judgment being appealed. This indicates that the court has broad discretion to ensure the child's welfare is protected during legal proceedings.

[Tex. Fam. Code § 263.401 Tex. Fam. Code § 263.401 Dismissal After One Year; New Trials; Extension](#)

## Extract

Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over the suit affecting the parent-child relationship filed by the department



that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

## **Summary**

The court's jurisdiction over a suit affecting the parent-child relationship is automatically terminated if the trial on the merits has not commenced within a year, unless an extension is granted. This provision ensures that cases do not languish indefinitely without resolution. The passage highlights the importance of timely judicial action and the potential for automatic dismissal if the court fails to act within the prescribed timeframe.

[Tex. Civ. Prac. and Rem. Code § 51.014 Tex. Civ. Prac. and Rem. Code § 51.014 Appeal From Interlocutory Order](#)

## **Extract**

A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that: ... (4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65; ... (b) An interlocutory appeal under Subsection (a), other than an appeal under Subsection (a) or in a suit brought under the Family Code, stays the commencement of a trial in the trial court pending resolution of the appeal. ... (d) On a party's motion or on its own initiative, a trial court in a civil action may, by written order, permit an appeal from an order that is not otherwise appealable if: (1) the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion; and (2) an immediate appeal from the order may materially advance the ultimate termination of the litigation. ... (h) The supreme court may review a decision by a court of appeals not to accept an appeal under Subsection (f) de novo. If the supreme court concludes that the requirements to permit an appeal under Subsection (d) are satisfied, the court may direct the court of appeals to accept the appeal.

## **Summary**

Interlocutory appeals can be made from certain orders, including those granting or refusing temporary injunctions. Such appeals can stay trial proceedings, and the Supreme Court has the authority to review decisions by the court of appeals regarding these appeals. This is relevant to the question because it highlights the procedural mechanisms available to challenge interlocutory orders and the role of the Supreme Court in ensuring that such challenges are properly considered.

[Tex. Gov't. Code § 23.101 Tex. Gov't. Code § 23.101 Primary Priorities](#)



## **Extract**

The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following: temporary injunctions; criminal actions... orders for the protection of the family under Subtitle B, Title 4, Family Code...

## **Summary**

Texas trial courts are mandated to prioritize certain types of hearings and trials, including those related to family law and temporary injunctions. This suggests that the courts should act promptly on such matters to ensure justice and protect the rights of the parties involved. The failure to do so, as alleged in the mandamus petitions, could be seen as a deviation from this statutory requirement, potentially justifying the need for Supreme Court intervention.

[1 Tex. Admin. Code § 155.152 1 Tex. Admin. Code § 155.152 Disqualification Or Recusal of Judges](#)

## **Extract**

A judge is subject to recusal or disqualification on the same grounds and under the same circumstances as specified in TRCP Rule 18b. Motion. A motion to recuse or disqualify a judge assigned to a case should: (A) be made at the earliest practicable time; (B) be verified, if the motion is in writing; (C) state with particularity the grounds for the motion; and (D) be based on personal knowledge and include such facts as would be admissible in evidence, except that facts may be stated on information and belief if the basis for such belief is specifically stated.

## **Summary**

The process for recusal or disqualification of judges in Texas administrative hearings is governed by specific criteria. These criteria include the timing of the motion, verification, particularity of grounds, and admissibility of facts. This aligns with the Texas Rules of Civil Procedure Rule 18b, ensuring consistency across judicial proceedings. The passage highlights the procedural requirements for recusal or disqualification, which are relevant to the question of judicial conduct and the need for the Supreme Court to act if these procedures are not followed.

[Pretrial motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1-2 (2024) - James Publishing - Mark G. Daniel, Robert K. Gill**

## **Extract**

When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a. See *Arnold* (no error in not referring motion to recuse not timely filed); *McDuffie v. State*, 854 S.W.2d 195 (Tex.App.—Beaumont 1993, pet. ref'd). Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov't Code §74.059(c)(3).

## **Summary**

When a recusal motion is filed, the trial judge has a duty to determine its sufficiency and, if sufficient, must either recuse themselves or request the assignment of another judge to hear the motion. This procedural requirement ensures that the recusal process is handled appropriately and that any potential bias or conflict of interest is addressed. The failure to follow these procedures can lead to questions about the fairness and impartiality of the judicial process.

## [Misconduct](#)

### **Trial Objections - James Publishing - R. Rogge Dunn - 2022-05-05**

## **Extract**

It is improper to ignore the court's ruling on an objection and continue to ask objectionable questions. *TEXAS Darnell v. Broberg*, 565 S.W.3d 450, 464 (Tex. App. —El Paso 2018). Disobedience of a court order constitutes a clear abuse of the judicial process, and interferes with the trial court's core functions, which includes issuing and enforcing court orders.

## **Summary**

Disobedience of a court order is considered a clear abuse of the judicial process in Texas. This is relevant to the question as it underscores the importance of following court orders and rulings, which is a central issue in the mandamus petitions filed by Charles Dustin Myers. The passage highlights that ignoring court rulings undermines the court's core functions, which is pertinent to the argument that the Supreme Court must act to address the alleged misconduct and procedural irregularities in the case.

## [Pretrial motions](#)

### **Texas Criminal Lawyer's Handbook. Volume 1-2 - James Publishing - Mark G. Daniel, Robert K. Gill - 2022-05-05**

## **Extract**

a. Recusal or Disqualification of Judges... (a) At least 10 days before the date set for trial or other hearing in any court other than the Supreme Court, the Court of Criminal Appeals or the Court of Appeals, any party may file with the clerk of the court a motion stating grounds why the judge before whom the case is pending should not sit in the case... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion... (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements... The presiding judge of the administrative judicial district shall immediately set a hearing before himself or some other judge designated by him, shall cause notice of such hearing to be given to all parties or their counsel, and shall make such other orders including orders on interim or ancillary relief in the pending cause as justice may require.

## **Summary**

Procedural requirements for filing a motion to recuse or disqualify a judge in Texas courts. It emphasizes the necessity for a judge to either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The presiding judge is then required to set a hearing and notify all parties. This process ensures that any concerns about a judge's impartiality are addressed promptly and fairly, maintaining the integrity of the judicial process.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2021 - James Publishing - Mark G. Daniel, Robert K. Gill - 2021-08-16**

## **Extract**

The motion shall be made on personal knowledge and shall set forth such facts as would be admissible in evidence provided that facts may be stated upon information and belief if the grounds of such belief are specifically stated... If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## **Summary**

Procedural requirements for filing a motion to recuse a judge, emphasizing the need for personal knowledge and admissible evidence. It also details the process if a judge declines to recuse themselves, including forwarding the motion to the presiding judge and refraining from further action until a hearing. This is relevant to the question as it highlights the procedural safeguards and the importance of judicial impartiality, which may be at issue in the mandamus cases.

## [CHAPTER 6 Petitions for Writ of Mandamus](#)

### **Practitioner's Guide to Civil Appeals in Texas - Full Court Press**

#### **Extract**

Section 22.002(a) of the Texas Government Code confers jurisdiction on the Supreme Court to issue writs of mandamus against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals. Section 22.002(a) authorizes the Texas Supreme Court to 'review a court of appeals' issuance of a writ of mandamus to determine if it constituted a clear abuse of discretion.' When the Texas Supreme Court reviews a court of appeals' issuance of the writ, 'however, [the Supreme Court's] 'focus remains on the trial court's order.'

#### **Summary**

The Texas Supreme Court has the jurisdiction to issue writs of mandamus against various judicial officers, including district judges, and to review the issuance of such writs by the court of appeals. The Supreme Court's focus in such reviews is on the trial court's order, particularly if there is a clear abuse of discretion. This is relevant to the question because it highlights the Supreme Court's authority to intervene in cases where lower courts may have acted improperly, which is pertinent to the alleged conduct in the mandamus petitions.

## [SUPPLEMENTING SUPPLEMENTAL BRIEFING.](#)

### **Journal of Appellate Practice and Process - University of Arizona - Schwartz, Ziv - 2022-06-22**

#### **Extract**

Appellate courts routinely address--on their own motion--prudential questions, constitutional interpretation, precedential questions, and cases that involve 'extreme circumstances' or 'manifest injustice.'

## Summary

Appellate courts, including the Supreme Court, have the authority to intervene in cases sua sponte when there are extreme circumstances or manifest injustice. This suggests that the Supreme Court can act in the current situation if it determines that the conduct alleged in the mandamus petitions represents such circumstances. The passage supports the argument that the Supreme Court's intervention is warranted due to the unprecedented nature of the case and the potential for manifest injustice.

This memo was compiled by Vincent AI based on vLex materials available as of July 18, 2025. [View full answer on vLex](#)