

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN RE: M.E.M., ET AL.

****CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-31

Petitioner's Statement

TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Petitioner in the above filed case, files this

Request for Declaratory Judgement, and in support thereof shows the following:

I. STATEMENT OF FACTS

1. Petitioner, representing himself pro-se, removed cause number 322-744263-23 to the Northern District of Texas on December 6, 2024. (No. 4:24-CV-01185-O)

2. The case was remanded on December 8, 2024, for lack of subject matter jurisdiction. *Exhibit 1*

3. Rule 237a of the Texas Rules of Civil Procedure states:

“When *any cause* is removed to the Federal Court and is afterwards remanded to the state court, *the plaintiff shall file* a certified copy of the order of remand with the clerk of the state court and shall forthwith give written notice of such filing to the attorneys of record for all adverse parties.” (emphasis added)

4. This places the obligation on COOPER L. CARTER to file with the clerk of the state court a certified notice of remand, which she has failed to do as of March 31, 2025, nearly three months later.

5. COOPER L. CARTER's authority to represent MORGAN MICHELLE MYERS has been in question since September 20, 2024, in cause number 322-744263-23 and is similarly in question in the instant case.

6. COOPER L. CARTER has never filed a pleading on MORGAN MICHELLE MYERS' behalf in either this court or the 322nd district court since she was allegedly retained on January 22, 2024, in her individual capacity over *fourteen months ago*.

7. RODERICK D. MARX has filed every pleading on behalf of COOPER L. CARTER in both this matter and the divorce matter.

8. RODERICK D. MARX has not made an appearance or otherwise been named as a party in either suit.

9. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any response to any pleadings served to them by CHARLES DUSTIN MYERS.

10. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any pleading since April 24, 2024, in the divorce matter, nearly *twelve months ago*.

11. COOPER L. CARTER has left the 322nd District Court without any ability to proceed to final trial, thereby resulting in an inevitable dismissal for want of prosecution. *Exhibit 2*

12. COOPER L. CARTER's EFM is registered to her prior employer's email address, which has been pointed out several times by Petitioner. *Exhibit 3*

13. The 322nd District Court of Tarrant County does not have continuous exclusive jurisdiction of the minor children.

14. The Petitioner opened a separate SAPCR before this court in March of 2025.

15. Without any submissions from Respondent since April 24, 2024, COOPER L. CARTER suddenly submits pleadings to this court claiming bad faith and answers with a general denial.

16. COOPER L. CARTER has not provided a response to the EMERGENCY TRO, yet feels it is appropriate to influence the proceedings with false promises to the tribunal. *Exhibit 4*

17. On March 28, 2025, the Petitioner arrived at the 233rd District Court to present his emergency TRO as scheduled with the Court Coordinator on March 27, 2025. *Exhibit 5*

18. The Petitioner was then told to contact COOPER L. CARTER by the Court Coordinator to select dates for the TRO hearing prior to his presentation once he arrived at the court. *Exhibit 6*

19. The parties selected April 10, 2025, to have the hearing, and the Petitioner went before the Associate Judge to present his emergency TRO. *Exhibit 7*

20. Prior to being called up to present, the Associate Judge left the room and conversed with the court coordinator.

21. When she returned, Petitioner was called up to present the emergency TRO.

22. Before getting a chance to speak, the Associate Judge informed the Petitioner that COOPER L. CARTER had filed the consolidation motion in the wrong court and would be filing one with the 322nd District Court.

23. The Petitioner was denied an opportunity to present his emergency TRO and was told to instead file the pleading with the 322nd District Court.

24. The Petitioner then reminded the Associate Judge that the 322nd District Court does not have the ability to proceed on the merits lacking a certified notice of remand pursuant to Rule 237a.

25. The Associate Judge disagreed and refused to hear the emergency TRO.

26. At the close of business on March 28, 2025, nothing was ever filed with the 322nd District Court by COOPER L. CARTER.

27. Petitioner and the children in this suit were denied due process outright despite being correct in his legal position.

28. Petitioner's detriment to his position is the fact that he is self-represented.

29. Respondent's detriment to her position is the lack of prosecution or defense.

II. ARGUMENT

30. When it comes to remand, the obligation falls on the *plaintiff* to file with the state court a certified copy of the order of remand. TEX. R. CIV. P. 237a; see also *Kashan v. McLane Co.*, NO. 03-11-00125-CV, 7 (Tex. App. Jun. 7, 2012) (holding that rule 237a's notice requirements cannot be satisfied by the district court, but must come from the *plaintiff*.)

31. This prevents any trial on the merits, and prevents any relief to the Petitioner and his children.

32. All other facts supported by evidence have already been provided to COOPER L. CARTER yet continues to not engage and instead call in favors from the bench.

III. CONCLUSION

Petitioner traveled to this court with a prepared emergency supported by exhibits only to be turned away at the eleventh hour due to his self-represented status and in the face of no real opposition. The children were denied due process outright, and now have been left without a remedy. The proper course of action should have been to hear the TRO and put in place protections for the minor children pending any promises of consolidation.

The above statement of facts, unless promptly rebutted by COOPER L. CARTER, warrant immediate relief as duly requested in the emergency TRO through a declaratory judgment, and this court should proceed with the hearing date originally set for April 10th, 2025, and the emergency TRO should be GRANTED without further delay.

COOPER L. CARTER disrupted much needed relief for the minor children in this case with false promises delivered to the tribunal that directly undermined the Petitioner's due process rights. COOPER L. CARTER is fully aware that she cannot file anything in 322nd District Court because in doing so she would be acting *ultra vires*.

Petitioner reasserts his position that COOPER L. CARTER is acting without authority, has no ability to comply with 237a of the Texas Rules of Civil Procedure, and cannot explain how she is able to abandon a case for nearly a full calendar year, yet can suddenly show up to defend her alleged client before this court for the sole purpose to prevent Petitioner's emergency TRO from being heard, which was permitted despite being told he could present the motion. In what sense is this appropriate when children are involved? Does the attorney's license give her a free pass to thwart the rules and litigate in bad faith?

It may be a needle in the haystack, but this case defies the initial presumption that pro-se litigants are not as equipped or as capable as licensed attorneys, and it is no fault of COOPER L. CARTER. The Petitioner reminds the court that the true culprit responsible for this circumstance remains the puppet master hiding in the background – the Respondent – and yet Petitioner wishes no harm to her because this litigation is about the children. The children need their mother, but they also need their father.

Perhaps the zealous passion has been misunderstood for contempt by the tribunal, but Petitioner's motive runs parallel to that set forth in the Texas Family Code. However, despite the procedural quagmire, the anomalies, the pro-se status, the solution remains simple:

Grant the relief. Nobody has argued against it, Texas law demands it, and the best interests of the Children depend on it. There remains no logical or legal basis to give COOPER L. CARTER any further deference in the face of Petitioner's self-represented status. Petitioner welcomes any response from

COOPER L. CARTER to the contrary. If such response were to be filed, it would be the first in over fourteen months of litigation.

If approached from a logical standpoint, the situation can be interpreted as such:

- i. COOPER L. CARTER is shackled by Rule 12 and Rule 237a of the Texas Rules of Civil Procedure from reaching final trial.
- ii. The 322nd District Court is shackled from proceeding due to Cooper L. Carter's failure to prosecute.
- iii. The Petitioner is shackled from his home, his children's daily lives, and his place of business under facially void orders that claim consent.
- iv. Most critically, the children are shackled in a situation that is not in their best interests and continue to suffer irreparable harm without any opportunity for relief and without any lawful basis.

Indeed, that leaves just one party un-chained from this situation:

the Respondent. Petitioner rests his case.

IV. PRAYER

WHEREFORE promises considered, the Petitioner, CHARLES DUSTIN MYERS, requests the following expedited relief:

1. Take judicial knowledge that COOPER L. CARTER disrupted an emergency in bad faith and failed to fulfill her promise.
2. Grant the emergency TRO without delay and keep the original hearing date set for April 10th as agreed by the parties on March 28th, 2025.
3. Give no further deference to attorney COOPER L. CARTER, who has not prosecuted nor defended her position, and require a written response.

4. Provide any further relief that the court deems appropriate given the extraordinary circumstances of this case.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

Petitioner, CHARLES DUSTIN MYERS, confirms that on 03/31/2025, a copy of this PETITIONER'S STATEMENT was served on the following party of record through their account registered under the Electronic Filing Manager pursuant to Rule 21a of the Texas Rules of Civil Procedure:

MORGAN MICHELLE MYERS, Respondent, at:

MORGANMW02@GMAIL.COM

A copy of the above pleading was also served to:

COOPERCARTER@MAJADMIN.COM

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
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817-546-3693