

No.25-\_\_\_\_\_

**IN THE  
SUPREME COURT OF TEXAS**

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**IN RE: CHARLES DUSTIN MYERS, *RELATOR*.**

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On Petition for Writ of Mandamus

from the 322<sup>nd</sup> Judicial District Court, Tarrant County

Cause Number 322-744263-23

Original Proceeding

Hon. David L. Evans Presiding

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**PETITION FOR WRIT OF  
MANDAMUS**

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Respectfully submitted by:

Charles Dustin Myers  
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Tel.: 817-546-3693  
**6641 Anne Court  
Watauga, Texas 76148**

## **Identity of Parties and Counsel**

### ***Relator***

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### ***Intervenor***

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### ***Respondent***

Hon. David L. Evans  
Presiding Regional Judge  
8<sup>th</sup> Administrative Judicial Region of Texas  
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### ***Real Party in Interest***

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## **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 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 8<sup>th</sup> 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.

### **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](#).

## **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.



## **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 322<sup>nd</sup> District Court seeking to

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<sup>1</sup> See cause numbers [02-25-00164-CV](#), [02-25-00166-CV](#), [02-25-00171-CV](#)

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 322<sup>nd</sup> 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 322<sup>nd</sup> 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

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.

## **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.

## **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

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

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

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.



#### **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.

## 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

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;

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

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Phone: 817-546-3693

PRO-SE RELATOR

### Certification (TRAP 52.3(j))

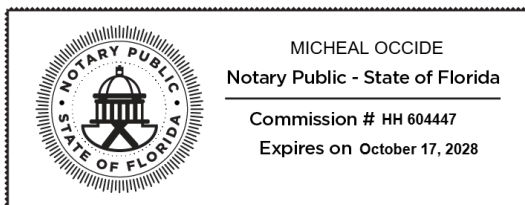
Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator, representing himself in his own individual capacity, and upon his oath, stated that (i) he is self-represented in this cause in the underlying suit, 322<sup>nd</sup> Judicial District Court, Tarrant County, 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.

*/s/ Charles Dustin Myers*

CHARLES DUSTIN MYERS

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*

Micheal Occide  
\_\_\_ Personally Known OR \_\_\_ ☒ Produced Identification  
Type of Identification Produced \_\_\_ DRIVER LICENSE

**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

## **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***

Hon. David L. Evans  
Presiding Regional Judge  
8<sup>th</sup> Administrative Judicial  
Region of Texas  
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### ***Real Party in Interest***

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/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 322<sup>nd</sup> Judicial District Court,  
Tarrant County Cause Number 322-744263-23  
Hon. David L. Evans Presiding

---

**RELATOR'S APPENDIX**

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Respectfully submitted by:

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**6641 Anne Court  
Watauga, Texas 76148**



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# TAB 1

CAUSE NO. 322-744263-23

IN THE MATTER OF  
THE MARRIAGE OF

MORGAN MICHELLE MYERS  
AND  
CHARLES DUSTIN MYERS

AND IN THE INTEREST OF  
M [REDACTED] M [REDACTED] AND  
C [REDACTED] M [REDACTED], CHILDREN

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IN THE DISTRICT COURT

322<sup>ND</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

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**ORDER DENYING OBJECTION TO ORDER OF ASSIGNMENT DATED MAY 6, 2025  
AND THE OBJECTION DATED APRIL 29, 2025**

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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

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 15<sup>th</sup> day of May, 2025.



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DAVID L. EVANS, PRESIDING JUDGE  
EIGHTH ADMINISTRATIVE JUDICIAL REGION

# TAB 2

**THE STATE OF TEXAS****8<sup>th</sup> 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


**322<sup>ND</sup> DISTRICT COURT, 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 M■■ M■■ and C■■ M■■, 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 6<sup>th</sup> day of May, 2025.



DAVID L. EVANS, PRESIDING JUDGE  
EIGHTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

cc: Honorable John H. Cayce  
Honorable James Munford  
District Clerk, Tarrant County  
File

### **Automated Certificate of eService**

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#### **Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
CHARLES MYERS		chuckdustin12@gmail.com	5/7/2025 3:07:58 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	5/7/2025 3:07:58 PM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	5/7/2025 3:07:58 PM	SENT

# TAB 3



## CAUSE NUMBER: 322-744263-23

IN THE MATTER OF  
THE MARRIAGE OFMORGAN MICHELLE MYERS  
AND  
CHARLES DUSTIN MYERSAND IN THE INTEREST OF  
M [REDACTED] M [REDACTED] AND  
C [REDACTED] M [REDACTED]  
MINOR CHILDREN

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322<sup>ND</sup> JUDICIAL DISTRICTORDER 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 29<sup>th</sup> day of April, 2025.

  
\_\_\_\_\_  
ASSOCIATE JUDGE

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#### **Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
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Cooper L.Carter		coopercarter@majadmin.com	4/29/2025 3:21:53 PM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	4/29/2025 3:21:53 PM	SENT

# TAB 4

## **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.

# TAB 5

## 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>

(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.

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**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.

# TAB 6



## **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.

# TAB 7

## **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.

# TAB 8

## Rule 18a. Recusal and Disqualification of Judges

<b>Library:</b>	Texas Rules of Civil Procedure
<b>Edition:</b>	2025
<b>Currency:</b>	As amended through April 30, 2025
<b>Year:</b>	2025
<b>Citation:</b>	Tex. R. Civ. P. 18a

**vLex Document Id:** VLEX-1072477210

**Link:** <https://app.vlex.com/vid/rule-18a-recusal-and-1072477210>

(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

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:

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(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.

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**Cite as** Tex. R. Civ. P. 18a



## **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***

Hon. David L. Evans  
Presiding Regional Judge  
8<sup>th</sup> Administrative Judicial  
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### ***Intervenor***

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/s/ Charles Dustin Myers

Charles Dustin Myers,  
Pro Se Relator

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Honorable David LEvans		thkemp@tarrantcounty.com	5/19/2025 9:46:32 AM	NOT SENT
Morgan MichelleMyers		morganmw02@gmail.com	5/19/2025 9:46:32 AM	NOT SENT
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