

NO. 25-0458

IN THE SUPREME COURT OF

TEXAS

IN RE: CHARLES DUSTIN MYERS

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MOTION FOR REHEARING

TO THE HONORABLE SUPREME COURT OF TEXAS:

If this Court declines to address at least one of the five mandamus petitions before it on rehearing, it not only misses a critical opportunity to resolve ongoing procedural failures and systemic issues in the lower courts, but also risks compounding harm by leaving the parties in indefinite legal limbo—especially where the Relator, a pro se litigant, has demonstrated greater diligence and legal acumen than the licensed attorneys involved. Continued silence from the judiciary in the face of repeated, unaddressed mandamus filings undermines public

confidence, perpetuates injustice, and forfeits a valuable chance to study and improve the treatment of parents in Texas courts.

Relator respectfully submits this motion for rehearing regarding cause number 25-0458, and incorporates the rehearing motions filed in 25-0361, 25-0367, 25-0378, and 25-0426 by reference. In support of this motion for rehearing, the Relator shows this court the following:

I. Introduction

1. If this Honorable Court declines to address these mandamus petitions on rehearing, it would not merely miss a critical opportunity to resolve ongoing procedural failures and systemic issues in the lower courts, but also risk compounding harm by leaving the parties in indefinite legal limbo. This is especially troubling where the Relator – a pro se litigant – has demonstrated greater diligence and legal acumen than the licensed attorneys involved. Continued silence from the judiciary in the face of repeated, unaddressed mandamus filings undermines public confidence, perpetuates injustice, and forfeits a valuable chance to improve the treatment of pro se litigants in Texas courts.

2. The record here demonstrates a pattern of procedural breakdowns, judicial inaction, and a lack of meaningful opposition or engagement from the real party in interest and her counsel. The relator, Charles Dustin Myers, has persistently and skillfully advocated for his rights, yet finds himself without a lawful adversary or a

viable path to resolution due to the lower courts' inaction and consistent misapplication of Texas law. This Court's refusal to take up these mandamus petitions would leave those errors and inertia to fester, keeping the parties in perpetual uncertainty and undermining the rule of law.

3. Moreover, by failing to intervene, the Court would forgo a unique opportunity to examine the evolving role of pro se litigants in complex family law proceedings. In this case, the relator's filings exhibit a level of diligence, legal research, and procedural sophistication that in some respects surpasses that of the licensed attorneys. While the absence of lawyers often undermines the American adversarial model of adjudication, it can also – as here – highlight how a determined self-represented litigant can navigate the system and expose its shortcomings. Dismissing these petitions would mean losing the chance to provide much-needed guidance on accommodating and adjudicating cases involving pro se litigants, especially when those litigants prove more effective than their represented counterparts.

4. The relator previously warned the Second Court of Appeals about these compounding issues, an analogy likening the underlying problems to the Hydra of Greek mythology – where cutting off one head results in two more growing in its place. That warning may have been dismissed as frivolous at the time, but the proliferation of mandamus filings (what began as three has now become five)

validates the Hydra analogy. Indeed, **there exists no mechanism to resolve this case in the trial courts below that would align with Texas law.** Despite no stay having been in place after one of the earlier petitions (No. 25-0361), the trial court has made no lawful progress, and continuous denials at every appellate level only compound the unresolved issues. In short, without the Supreme Court's intervention, more mandamus heads will inevitably sprout, and the parties will remain in limbo indefinitely.

II. Background and Relevant Law

A. Texas Supreme Court's Mandamus Authority

5. The Texas Supreme Court has broad constitutional and statutory authority to issue writs of mandamus to correct abuses of discretion and ensure the proper administration of justice in the state's courts. Under Texas Government Code § 22.002(a):

“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.”

In short, the Supreme Court’s mandamus power extends to judges of the trial courts and intermediate courts of appeals to confine those courts to the lawful exercise of their jurisdiction or compel them to perform their duties.

6. This mandamus authority is reinforced by the Texas Constitution. Article V, Section 31 of the Texas Constitution makes clear that if the Supreme Court does not act upon a timely filed motion for rehearing within 180 days, the motion is denied by operation of law. This constitutional provision underscores the expectation that the state’s highest court will timely oversee and supervise the administration of justice. The existence of a 180-day deadline for rehearing implicitly recognizes that prolonged inaction by the Supreme Court is not acceptable – a principle that resonates with the situation here, where prolonged inaction in the face of repeated mandamus petitions has left the litigants without relief.

B. Mandamus as an Extraordinary Remedy

7. 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, the relator must show (1) a clear abuse of discretion by the lower court, and (2) the absence of an adequate remedy at law, such as a normal appeal. *In re Prudential Ins. Co. of*

America, 148 S.W.3d 124, 135-36 (Tex. 2003); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992).

8. This Court has repeatedly emphasized that mandamus review is essential in exceptional cases to “preserve important substantive and procedural rights from impairment or loss, allow the appellate courts to give needed and helpful direction to the law that would otherwise prove elusive in appeals from final judgments, and spare private parties and the public the time and money utterly wasted enduring eventual reversal of improperly conducted proceedings”. *Cascos v. Cameron County Attorney*, 319 S.W.3d 205, 221 (Tex. App. 2010).

C. The Remand Power and the Supreme Court’s Supervisory Role

9. One traditional office of the writ of mandamus is to command an inferior court to discharge its duties—to “quicken[] [the court’s] negligence,” as Blackstone put it. More specifically, mandamus will lie to compel a judge to take up a case, to reach a final judgment, or to take other steps necessary to allow appellate review of the merits. This aspect of mandamus reflects the appellate courts’ broader supervisory role. The Texas Supreme Court, like its federal counterpart under the All Writs Act, possesses inherent authority to ensure that lower courts do not shirk their responsibilities. In cases where a trial court refuses to proceed to trial or judgment, or where procedural entanglements prevent a case

from reaching a final, appealable order, the Supreme Court's mandamus power can be invoked to set the machinery of justice back on track.

D. Pro Se Litigants and Systemic Concerns

10. The presence of pro se litigants in complex civil and family law matters is a well-documented challenge for the courts. Civil courts in the United States have been suffering from a 'pro se crisis' for decades. Even when basic human needs are at issue...a high percentage of people are unable to afford to hire an attorney to represent them. The absence of lawyers can undermine the American adversarial model of adjudication; without counsel on both sides, there are real questions about whether court proceedings can be fundamentally fair. Courts and commentators have recognized this "pro se crisis" and have spent decades calling for reforms – from increasing legal aid funding to adjusting court procedures – to better accommodate the flood of self-represented litigants. This case exemplifies those concerns, but also shows that a savvy pro se litigant can, in effect, hold the system accountable for its own procedural missteps through persistent effort.

III. Analysis

E. Compounding Harm and Judicial Inaction

11. The record in these mandamus proceedings reveals a troubling pattern of judicial inaction, procedural confusion, and lack of engagement by the opposing party. Over the course of at least **five** mandamus petitions, the relator has raised

serious questions about the lower courts' handling of recusal motions, case consolidation, and temporary orders in an underlying family-law dispute. Yet the response at every level so far has been silence or perfunctory denial. The real party in interest, Morgan Michelle Myers, and her counsel, Cooper L. Carter, have not meaningfully contested the Relator's arguments, and in all instances have failed to file responsive briefs at all. Despite this vacuum, the trial court and the court of appeals have not granted the Relator any relief, nor have they moved the case forward in a lawful manner, nor provided any explanation to these issues. This leaves the Relator (and indeed both parties) in legal limbo – divorced from any timely resolution of their dispute, yet also deprived of any appellate review of the trial court's orders, which the Relator contends are comically unlawful on their face.

12. Despite these repeated filings, the lower courts have summarily denied relief or failed to act, leaving the relator and the parties in a state of legal limbo. As the Texas Supreme Court has recognized, “absent mandamus review, parties ‘will seemingly have no appellate review’ of orders granting new trials... [and] would have endured the time, trouble, and expense of the second trial. Thus, parties do not have an adequate appellate remedy”. *In re Wagner*, 560 S.W.3d 309, 314 (Tex. App. 2017). Here, by analogy, the relator has no adequate remedy except mandamus. The trial court's refusal to proceed lawfully (for instance, failing to

hold required hearings or to rule on motions) and the accumulation of void or voidable orders mean that there is no final judgment to appeal, and ordinary appellate remedies (or waiting indefinitely for action) are not adequate. Every day that passes without a corrective writ is essentially a day of *de facto* denial of the relator's rights, with no clear end in sight.

13. This is precisely the type of “manifest and urgent necessity” that justifies mandamus intervention. *In re Prudential Ins. Co. of America*, 148 S.W.3d 124, 135-36 (Tex. 2003). The relator's important substantive and procedural rights – including the right to a fair and impartial judge, the right to the care, custody, and control of his children, the right to property, and the right to due process in the form of notice and hearing on temporary orders – are at risk of being permanently lost or irreparably impaired. The harm of judicial inaction is not theoretical: it is manifest in the multiple petitions already filed and the trial court's continuing inability to bring the case to a lawful conclusion. As this Court recognized in *In re Prudential*, mandamus is appropriate to “**spare private parties and the public the time and money utterly wasted**” by flawed proceedings that will eventually require reversal. That is the situation before this Court. Here, without mandamus relief, both the Relator and the public, which has an interest in the efficient use of judicial resources, will continue to suffer the waste and delay of a case stuck in procedural quicksand.

F. The Unique Role of the Pro Se Litigant

14. This case also shines a light on the unique and evolving role of pro se litigants in Texas courts. The relator's filings in the trial court, the court of appeals, and now the Supreme Court demonstrate a level of legal skill and tenacity that is uncommon even among represented parties. He has identified complex issues (such as a judge's failure to recuse, or the void nature of orders issued after an improper case transfer) and presented them with clarity and supporting authority. In contrast, the opposing party's counsel has often failed to respond or to engage with the merits of these issues. The result is a paradox: the unrepresented litigant is performing the role of a zealous advocate more effectively than the licensed attorney on the other side.

15. By declining to address these mandamus petitions, the Supreme Court would forfeit an opportunity to provide guidance on how the judicial system should treat cases involving capable pro se litigants. Texas, like many jurisdictions, has traditionally struggled with accommodating self-represented parties – judges walk a fine line between explaining procedures and giving improper legal advice, and procedural rules are often unforgiving to those not trained in the law. However, when a pro se litigant not only meets but exceeds the court's expectations (for example, by complying with briefing rules, citing precedent, and preserving error), the courts should respond by squarely addressing the litigant's contentions.

Ignoring or summarily dismissing filings of this quality sends a discouraging message to pro se litigants and lowers public confidence in the courts. By taking up these petitions, the Supreme Court can affirm that justice is blind to whether a litigant has a law license and that the rule of law applies equally to all parties.

G. The Risk of Endless Litigation and Systemic Breakdown

16. If this Court remains silent in this case, the underlying issues will not resolve themselves – in fact, they are likely to proliferate. The Relator has no lawful opponent who can prosecute the case to conclusion, due to a tangle of disqualification and procedural voidness issues. Thus, every attempt by the trial court to move forward without higher guidance risks spawning yet another mandamus. This is the “*Hydra*” problem the relator cautioned against: without decisive action, each unresolved issue begets two more issues. The parties are effectively trapped in a cycle of one-sided orders and half-measures that cannot be appealed and yet do not achieve finality. Such a scenario is a textbook example of a “**systemic breakdown**” in the court process, where normal procedures fail and extraordinary intervention becomes necessary.

17. Notably, Texas law recognizes that mandamus is available to correct void orders or clear abuses of discretion that cannot be cured on appeal, particularly when those orders distort the procedural posture of a case. For instance, appellate courts have used mandamus to vacate erroneous consolidation

or transfer orders that would have forced parties to trial in the wrong forum, and to compel trial courts to proceed when a case has languished. When routine processes like recusal proceedings ([25-0426](#)), case consolidation ([25-0378](#)), hearing emergency motions ([25-0367](#)), or the adjudication of temporary orders ([25-0361](#)) break down in a way that leaves litigants with no effective advocate and no final judgment, mandamus is not only permissible but required. Yet here, it is continuously avoided. Allowing the trial court's errors and the opposing party's passivity to continue unchecked would signal that persistent procedural failures are tolerable. It would also underscore a troubling double standard: that a represented litigant's inaction can effectively paralyze a case, whereas a diligent pro se litigant's efforts can be ignored. Such an outcome would undermine confidence in the rule of law far beyond the confines of this case. The record is clear: the effort extends to the Relator, and nobody else. The judges below, the opposing counsel, and the OAG have all remained silent observers and non-participants.

H. The Court's Supervisory and Corrective Function

18. This Court's role is not merely to resolve individual disputes, but to provide guidance, correct systemic errors, and ensure the proper administration of justice statewide. As the Court has held, "the failure of a court to observe a mandatory statutory provision conferring a right or forbidding particular action will render its order or judgment invalid and this Court has the power through an

exercise of its original jurisdiction to order a trial court to vacate and expunge an invalid order”. *Stoner v. Massey*, 586 S.W.2d 843, 846 (Tex. 1979). Here, the lower courts have repeatedly failed to observe mandatory procedures – for example, failing to hold a hearing within the time required by law, or issuing orders without jurisdiction – and those failures have indeed rendered their actions *invalid*. Under *Stoner* and its progeny, the Supreme Court not only may, but **must**, use its mandamus authority to correct such invalid acts. Doing so vindicates the Legislature’s prescriptions (for recusal procedures, case assignment, etc.) and maintains the integrity of the judicial process.

19. In this case, the corrective role of the Supreme Court is paramount. The Court’s intervention would restore order by (for example) vacating any void orders, compelling the assignment of a qualified judge, and clarifying the path forward for the trial court. It would also reinforce to the lower courts that procedural rules are not mere suggestions – they are obligations that ensure fairness. The Supreme Court’s voice needs to say, in effect, that what has happened so far is not in keeping with Texas law and must be fixed. Without such guidance, not only will this case languish, but other courts may take the wrong lesson that inaction or ad hoc procedures are acceptable when dealing with pro se litigants or convoluted cases. The Court’s supervisory power exists for precisely this scenario:

to step in when the normal process has failed and reorient the case onto a lawful track.

I. The Broader Policy Implications

20. Finally, granting review in these mandamus petitions would carry broader benefits for the administration of justice in Texas. The Court's opinion (or even a decision to request full briefing) could serve as a case study in how complex family cases with pro se parties should be handled. It could address lingering questions about recusal standards (e.g., how to handle alleged bias when multiple judges have touched a case), about consolidation and severance in procedurally snarled cases, and about the enforcement of temporary orders that lack a valid procedural basis. Such guidance would be welcomed by trial judges and litigants across the state, as these issues are not unique to this case. Moreover, an opinion could emphasize the importance of diligence and good faith by all parties – discouraging the sort of sandbagging or strategic silence that may have occurred here, where one side's inaction has effectively stalled the proceedings.

21. By taking up these mandamus petitions, or at least explaining one of them, the Court can provide much-needed direction to the lower courts, clarify the standards for recusal, consolidation, and temporary orders, and set a precedent for the fair and efficient treatment of pro se litigants in Texas when faced with such situations.

22. The petitions also spotlight the access-to-justice gap and how courts adapt or fail to adapt to it. By addressing the role of the evolving, diligent pro se litigant, this Court can send a message that *all* litigants are entitled to have their arguments heard and decided according to law, and that procedural justice should not depend on having a lawyer. The Court can encourage lower courts to be more proactive in managing cases with self-represented parties – for instance, by ensuring clear explanations of rulings and by being vigilant that one side’s failure to respond does not derail the case. Appellate courts, including this Court, are charged with maintaining the uniformity and integrity of the law. Sometimes that means answering novel substantive legal questions; other times, as here, it means intervening in the *procedure* of a case to correct course. Both aspects are equally important to public confidence. The broader implication of stepping in now is a reaffirmation that the courthouse doors are open to those who pursue justice diligently, lawyer or not, and that the courts of Texas will not abandon litigants to a Kafkaesque procedural limbo.

IV. Conclusion

23. The issues before this Court require nothing more than common sense and the willingness to do the right thing. So far, not one licensed attorney nor judge below has chosen this path. Instead, the choice continues to be silence when the face of the record speaks for itself. Unsigned orders that say they’re agreed by all

of the parties, the refusal to hear a properly filed motion, the improper consolidation, the failure to abide by standard recusal procedures, and the summary denial of a motion never filed for reasons that do not comport with the facts so clearly stated and which remain unrefuted.

24. In sum, if this Court does not take up these issues on rehearing, it will not only compound the procedural and substantive harm already suffered by the parties but will also miss a critical opportunity to study and improve the administration of justice for the rapidly evolving legal landscape that could help circumvent the growing distrust in this system from the broader public. The Court's continued silence would leave the parties in continued limbo, allow serious procedural failures to persist uncorrected, and undermine public confidence in the judiciary's capacity for self-supervision. By contrast, granting mandamus review and providing clear guidance would restore order, ensure accountability, and reaffirm the Supreme Court's role as the ultimate guardian of justice in Texas. The extraordinary facts of this case cry out for an extraordinary remedy – one that only this Court can provide. The **Hydra** of unresolved issues can be subdued, but only by a decisive stroke by the wisdom of our State's highest Court.

V. Prayer

WHEREFORE, PREMISES CONSIDERED, Relator Charles Dustin Myers respectfully prays that this Honorable Court:

- i. GRANT this Motion for Rehearing, or in the alternative, CONSOLIDATE the issues presented in cause numbers 25-0361, 25-0367, 25-0378, 25-0426, and the instant case;
- ii. ISSUE the writ of mandamus to compel the trial court to:
 - a. Vacate any void orders identified in the petition;
 - b. Properly assign a qualified judge to hear this matter;
 - c. Follow mandatory statutory procedures for recusal, consolidation, and temporary orders; and
 - d. Proceed to adjudicate the underlying case in accordance with Texas law;
- iii. GRANT such other and further relief to which Relator may show himself justly entitled, both at law and in equity.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this Motion for Rehearing complies with the word count limitations of Tex. R. App. P. 9.4(i). According to the word count function of the computer program used to prepare this document, the Motion contains **3,830** words, excluding the parts exempted by Tex. R. App. P. 9.4(i)(1).

Dated: July 28, 2025

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