

NO. 322-744263-23 & NO. 322-744538-23

In the Matter of the Marriage of  
Morgan Michelle Myers & Charles Dustin Myers  
and in the Interest of  
M.E.M & C.R.M,  
Minor Children.

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# NOTICE OF INTENT TO REMOVE

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In the 322<sup>nd</sup> District Court.

\_\_\_\_\_  
Tarrant County, Texas

\_\_\_\_\_  
\_\_\_\_\_  
Respectfully submitted,

Charles Dustin Myers

## **I. INTRODUCTION**

Respondent, Relator, Defendant; representing himself in his own individual capacity as CHARLES DUSTIN MYERS, hereby refrains from referring to himself in third person.

I find it to be repugnant. In reality, I'm simply a father. A father who was brought into this situation during the most precious time of year. Now, while I have the highest respect for the judiciary, this court, and all of its' participants - today you have all left me scratching my head as to how after passing through two judges, a panel of three judges in the Second Court of Appeals followed by the entire court en banc, seven Justices at the highest level of the Texas judiciary, a regional presiding Judge, and a visiting retired Judge, in all of their collective experience, could not see the issues within this case.

Perhaps most shocking is how after over 1,500 pages of documents, pictures, sworn statements, and most importantly - without any opposition or engagement with any part of it from our friends on the other side, it's not enough to overcome the apparent, deep-seated antagonism that has only left more questions unanswered and fraud unaddressed.

I am here not out of disrespect, but because I was compelled to be here. I am not seeking the world from this court, only answers. The relief I seek is not that of impossibility - but is that which is enshrined in the most fundamental protections our country has to offer. It's a relief that has been continuously denied time and time again, without any explanation.

In fact, the latest denial actually makes the most sense out of any order issued so far in this case, so for that I am hopeful. However, the latest denial, albeit legally justified on face value, was made in error, and the only exhibit attached to this motion is the reasons why I believe this to be true.

## **II. ISSUE**

### **A. EFM ISSUES PREVENTED THE FILING OF A CONTINUANCE**

1. Exhibit A is attached hereto for the purpose of demonstrating a re-occurring theme in this case. Not only did I have every intention of coming to the hearing, but given the circumstances, did everything in my power to communicate regarding the situation.

2. These efforts only came second to the rules of law. The inability to access the EFM at such a crucial juncture was communicated to the court and all parties relevant to the matter.

3. Furthermore, the circumstances in this case have left me in a persistent state of planning for an inevitable appeal, such as here, where a denial as issued at the first opportunity and allows the court to escape any explanation for the important questions being asked of it.

4. Given that my access to the EFM was unavailable during the crucial time that a sworn continuance should have been filed, it raises more questions which require answers to protect my rights that have been continuously violated. For example, given the circumstances, I can't rely on the reason being a technicality regarding the EFM.

#### **B. THE DENIAL ONLY CREATES MORE UNADDRESSED ISSUES**

5. The problem I have with this decision is that the denial states that the opposing party appeared and that no evidence was admitted - but makes no mention of the agreement made by the parties, the circumstances, and as

mentioned, raises more questions without any answers being provided.

6. This would leave one to believe that despite the mutual agreement, the opposing party showed up anyway and acted as if no agreement was made notwithstanding that it mentioned that she appeared by her attorney of record, which is currently under scrutiny and remains on the long list of unanswered questions.

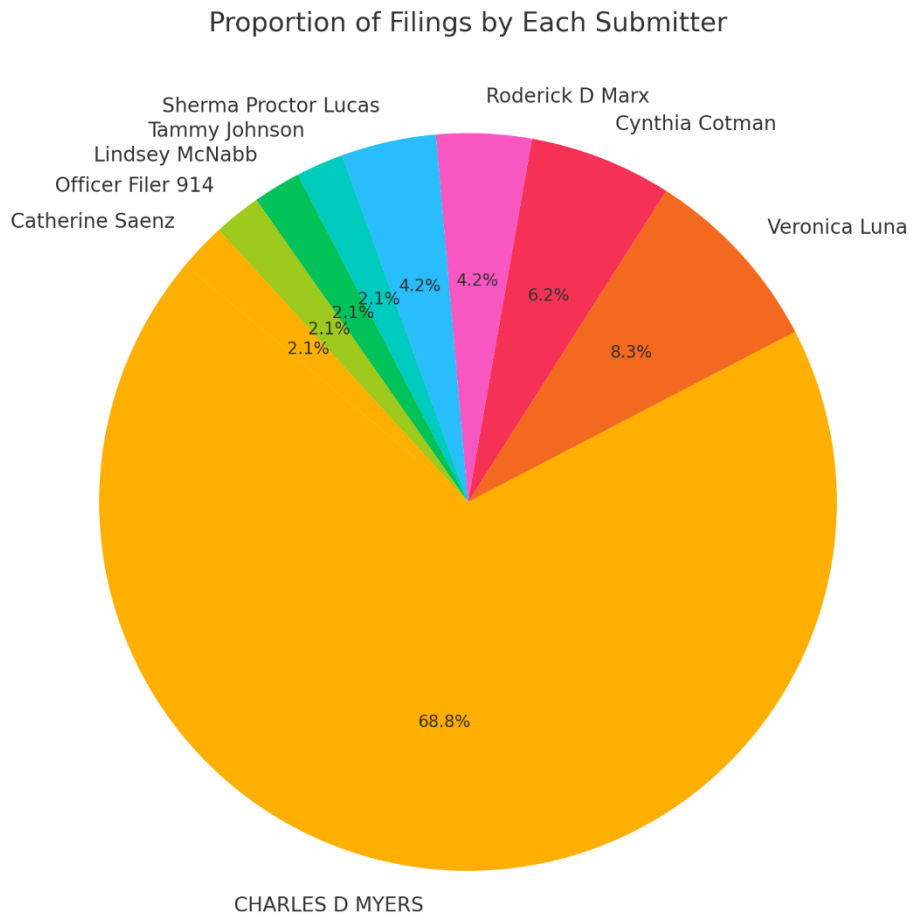
### **III. NO FURTHER STATE REMEDIES**

7. After nearly eleven months of seeking answers, only more questions have arisen.

8. If the court wishes to revisit the denial of the recusal given the circumstances pointed out, or in the alternative, adopt the still-pending motion to enter judgement and original, unmodified joint motion to recuse, it has the discretion to do so.

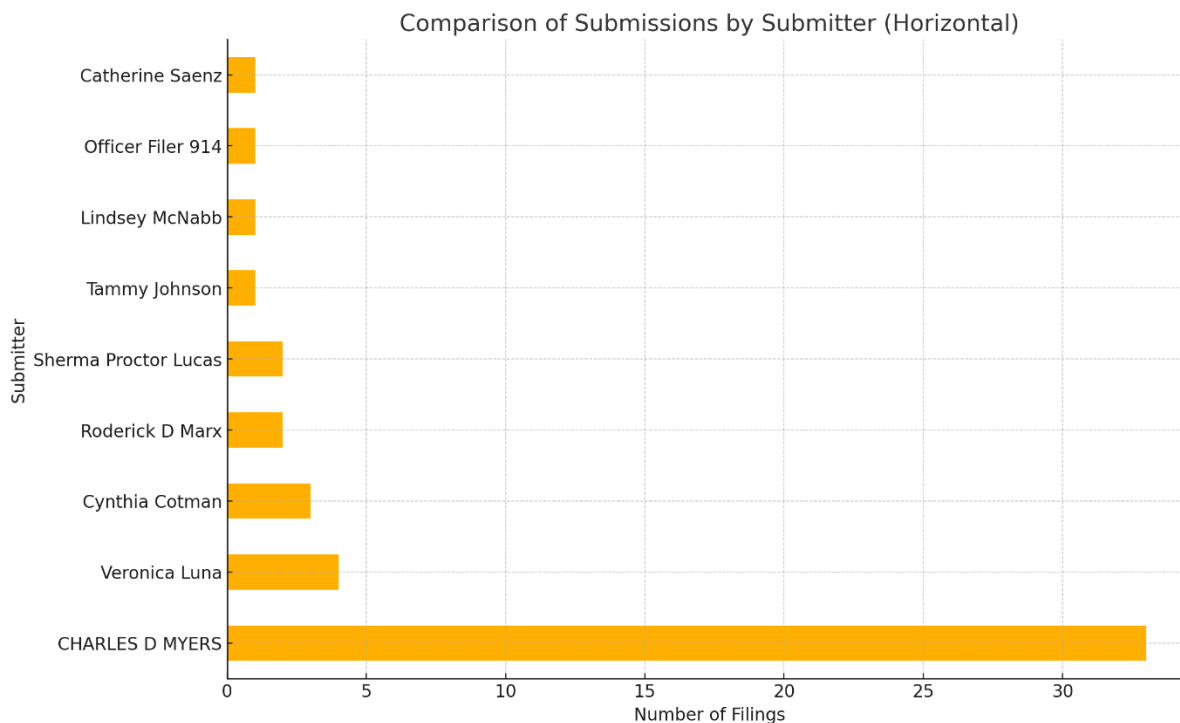
9. I am awaiting proper service of the denial via the electronic filing manager as required by law, and upon receipt will be removing the case to federal district court to address the ongoing constitutional issues that the State refuses to address.

10. The court in its perspective may see me as a nuisance, a pest, a fool. However, when taking a step back and looking at the full picture - it's worth a thousand words, as they say:



You'll notice - no Cooper Carter. This picture is a collection of all case files available on the EFM up until the recusal was filed and is a combination of case numbers 24-0395, 02-24-00149-CV, 322-744538-23, and 322-744263-23 in the order in which they were filed.

11. I've genuinely tried to provide every opportunity to the State to rectify this situation to no avail.



12. The recusal wouldn't be necessary and is not a reflection of the judges in this case. I've attempted every other legal avenue to accomplish such task to no avail, which leads us here. I hope the court can respect that.

13. I hope the court will reconsider its' denial of the recusal or do what is right so that the recusal will be moot. Until the current orders are either vacated or legally justified, I must continue to fight for my family, which requires that I seek federal intervention.

#### **IV. BASIS FOR REMOVAL**

14. Defendant, CHARLES DUSTIN MYERS, in the above-captioned matter hereby provides notice of intent to remove this action to the United States District Court for the Northern District of Texas pursuant to 28 U.S.C. § 1441(a) and § 1441(c)(1)(A). Removal is sought on the basis of substantial federal questions arising from alleged violations of Defendant's due process rights, procedural negligence, and claims of unaddressed fraudulent actions by Plaintiff. Defendant submits the following in support of removal:

##### **A. Federal Question Jurisdiction Due to Violations of Due Process Rights**

15. This case raises significant federal questions under the **14th Amendment** to the United States Constitution, specifically regarding Defendant's right to due process. Defendant asserts that his due process rights have been repeatedly violated due to procedural negligence by the state court and the imposition of an agreement that was obtained through fraudulent claims by Plaintiff, without proper judicial scrutiny or procedural safeguards. The

state court has taken actions that have fundamentally deprived Defendant of a fair opportunity to present his case, as evidenced by the following:

i. Plaintiff's initial claims, including the unsubstantiated allegation of an active protective order, were not subjected to adequate evidentiary review or discovery. Instead, these claims were used to pressure Defendant into a settlement agreement that has since been revealed to be grounded in misrepresentation. The lack of judicial oversight in this process has effectively deprived Defendant of the ability to defend his rights and property, constituting a direct violation of due process.

ii. The state court compelled Defendant to accept and sign a settlement agreement that Plaintiff obtained through alleged fraudulent representations. When Defendant contested the validity of this agreement, the court disregarded his objections and ordered him to comply without further review. This compelled compliance without scrutiny or due process fails to

meet the fundamental fairness standards established under the 14th Amendment.

iii. Plaintiff's actions, including conversion, perjury, fraud upon the court, and intentional destruction of marital assets remain unaddressed by the state court, which has shown procedural negligence in allowing these issues to persist without a fair review process. The absence of required discovery and evidentiary procedures further denies Defendant an opportunity to contest these fraudulent claims, depriving him of a fundamental right to a fair trial.

#### **B. Failure of the State Court to Provide an Adequate Remedy**

16. The state court has demonstrated an unwillingness or inability to provide an adequate remedy in this matter, as illustrated by its failure to address the core issues at the heart of Defendant's claims. Defendant has repeatedly raised these issues before the state court, challenging the authenticity of Plaintiff's claims and the procedural fairness of the settlement agreement. However, the court has continually declined to address these fundamental

issues, thereby failing to provide Defendant with an effective state remedy.

17. Upon filing the Joint Motion to Recuse, the court chose to stop recording the pleadings on the EFM, chose to modify the Defendant's documents upon forwarding them to the 8<sup>th</sup> Administrative Regional Judge, and the state court issued an erroneous denial, as outlined in Exhibit 1, without proper judicial scrutiny of either the situation or the issues at hand, choosing to leave them unaddressed. This denial is indicative of the court's unwillingness to engage with the core issues of fraud and due process violations that affect Defendant's rights and has left Defendant with no adequate remedy at the state level.

18. The state court's avoidance of key claims—such as Plaintiff's conversion of marital assets, her perjurious statements, and intentional destruction of community property—has further deprived Defendant of the opportunity to have these matters fairly adjudicated. Defendant contends that these fraudulent actions go directly to the heart of his claims and that the state court's avoidance of these matters amounts to a failure of procedural justice.

This avoidance underscores the need for federal intervention, as the state court has failed to uphold Defendant's right to due process and a fair hearing.

### **C. Domestic Relations Exception Does Not Apply**

19. The Domestic Relations Exception does not bar federal jurisdiction in this case, as Defendant is not seeking federal court adjudication of traditional family law issues such as divorce or custody. Rather, this removal is sought to address alleged due process violations, fraudulent claims, and procedural negligence that have deprived Defendant of his federally protected rights. Defendant seeks federal review to rectify the imposition of a fraudulent settlement agreement that was coerced through misrepresentation, extending beyond the traditional boundaries of domestic relations issues. Therefore, the Domestic Relations Exception does not apply to preclude federal review of the due process violations and fraudulent actions central to this case.

### **D. Rooker-Feldman Doctrine Does Not Apply**

20. The Rooker-Feldman Doctrine does not bar removal because the state court has not issued a final judgment.

All current orders remain interlocutory, and Defendant is not seeking to challenge any final state court decision. Defendant's removal is based on the need for federal review of ongoing procedural violations and due process issues that have not yet reached final adjudication in the state court. Since there is no final judgment, the Rooker-Feldman Doctrine does not apply to prevent federal intervention in this matter.

#### **E. Younger Abstention Doctrine Does Not Apply**

21. The Younger Abstention Doctrine generally bars federal intervention in active state proceedings. However, it does not apply here because Defendant is not attempting to disrupt the state court's core jurisdiction over family law matters. Instead, Defendant seeks federal review due to ongoing procedural violations and unaddressed fraudulent actions by Plaintiff, which infringe upon Defendant's federal rights. Federal oversight is necessary to ensure the protection of Defendant's due process rights and to address the state court's failure to enforce procedural safeguards or address Plaintiff's fraudulent actions.

## **F. Ambiguity and Procedural Gaps Allow Removal Beyond the 30-Day Window**

22. The ongoing procedural ambiguity and lack of resolution in the state proceedings justify removal beyond the standard 30-day window. The state court's failure to scrutinize Plaintiff's claims, enforce discovery, or provide clarifying documentation has created substantial ambiguity about the true basis for Plaintiff's allegations and the validity of the coerced settlement agreement. This ambiguity effectively extends the removal window, as Defendant has not received adequate information to properly address these ambiguous and procedurally flawed claims.

23. Plaintiff's initial pleadings contain unsubstantiated claims impacting Defendant's rights, and the state court's failure to require discovery has prevented Defendant from understanding the basis for these claims. Due to the state court's lack of procedural enforcement and transparency, Defendant's right to remove remains valid until clarification and compliance with procedural standards are achieved.

24. Additionally, Defendant notes that the state court has the discretion to reconsider its prior denial, as it has not been formally served in compliance with Texas Rules of Civil Procedure 21a and showcases an unwillingness to address the issues herein. Should the court choose not to reconsider its prior ruling, Defendant intends to exercise his right to remove the case to federal court upon receipt of the denial, as outlined in the present notice, pursue relief from damages from Plaintiff.

#### **V. CONCLUSION AND PRAYER**

In the instant case, the troubling reality of the court's initial decision will bear a lifetime of consequence on the lives of the children it has left out of the equation.

Given the significant procedural and factual issues in this case, Respondent respectfully requests the Court adopt one of the following remedies to ensure a fair and just outcome:

1. **Recuse** Judges James Munford and Jeffrey Kaitcer from further proceedings, or:

2. **Alternatively**, deny the recusal but with instructions that the Honorable James Munford:

- **Vacate the current temporary orders which are fraudulent;**
- **Adopt the temporary orders and parenting plan submitted by Respondent**, designed to prioritize the children's stability and continuity, and reflect what is in their best interests;
- **Order the parties to engage in mediation** to facilitate a cooperative resolution focused on the children's best interests and future plans for both parents, ensuring both parties' livelihoods are maintained;
- **Require participation in family counseling** to prioritize the children's psychological well-being and assess the impact of the past 11 months;
- **Order that Petitioner complete the court-ordered Children in the Middle parenting class**, or in the alternative, file a notice of completion, given the critical information provided in this program.

Granting either of these alternatives would allow the Court to rectify the underlying concerns of procedural fairness, ensuring that the children's welfare and stability remain the focal points of all decisions. Such actions are essential to moving this case forward in the most efficient and just manner.

The issues in this case can be corrected just as swiftly as they were created. It is here, at the threshold of justice, that the court must exercise its' discretion to correct these grave mistakes to prevent further escalation.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
6641 Anne Court  
Watauga, TX 76148  
817-507-6562  
PRO-SE

CERTIFICATE OF SERVICE

I, CHARLES DUSTIN MYERS, certify that a true copy of this notice of intent to remove and all exhibits were served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on 11/12/24:

Cooper L. Carter (Counsel for real party in interest)  
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

Morgan Michelle Myers (real party in interest)  
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

Holly L. Hayes, Texas Office of the Attorney General  
By EMAIL/ESERVE at 914-filer@texas.oag.gov

/s/ Charles Dustin Myers  
Charles Dustin Myers  
Chuckdustin12@gmail.com  
6641 Anne Court  
Watauga, TX 76148  
Tel: 1-817-507-6562  
Pro-se

# EXHIBIT 1

EFFORTS IN COMMUNICATION  
AND DENIAL



Dad



Thursday • 7:23 AM

I have an issue.

Woke up with  
extreme tooth pain  
to the extent I can't  
talk.

I can't file any kind of  
notice with the Court  
because my case  
stopped showing up.



RCS ...





Dad



This tooth stuff  
sucks.

I need to go today  
but this is brutal.

Not much worse  
than a tooth ache

I need to start  
getting ready. Are



RCS ...





Dad



I need to start getting ready. Are you going if you don't hear from them?

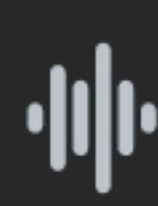
Dunno i just emailed them

Court coordinator is out of the office with covid

Ok, just let ↓ e know



RCS ...





Dad



Can you email them

I can try

All of them  
explaining medical  
emergency

Keep me posted

Wonder why my case  
disappeared

That's weird ↓



RCS ...

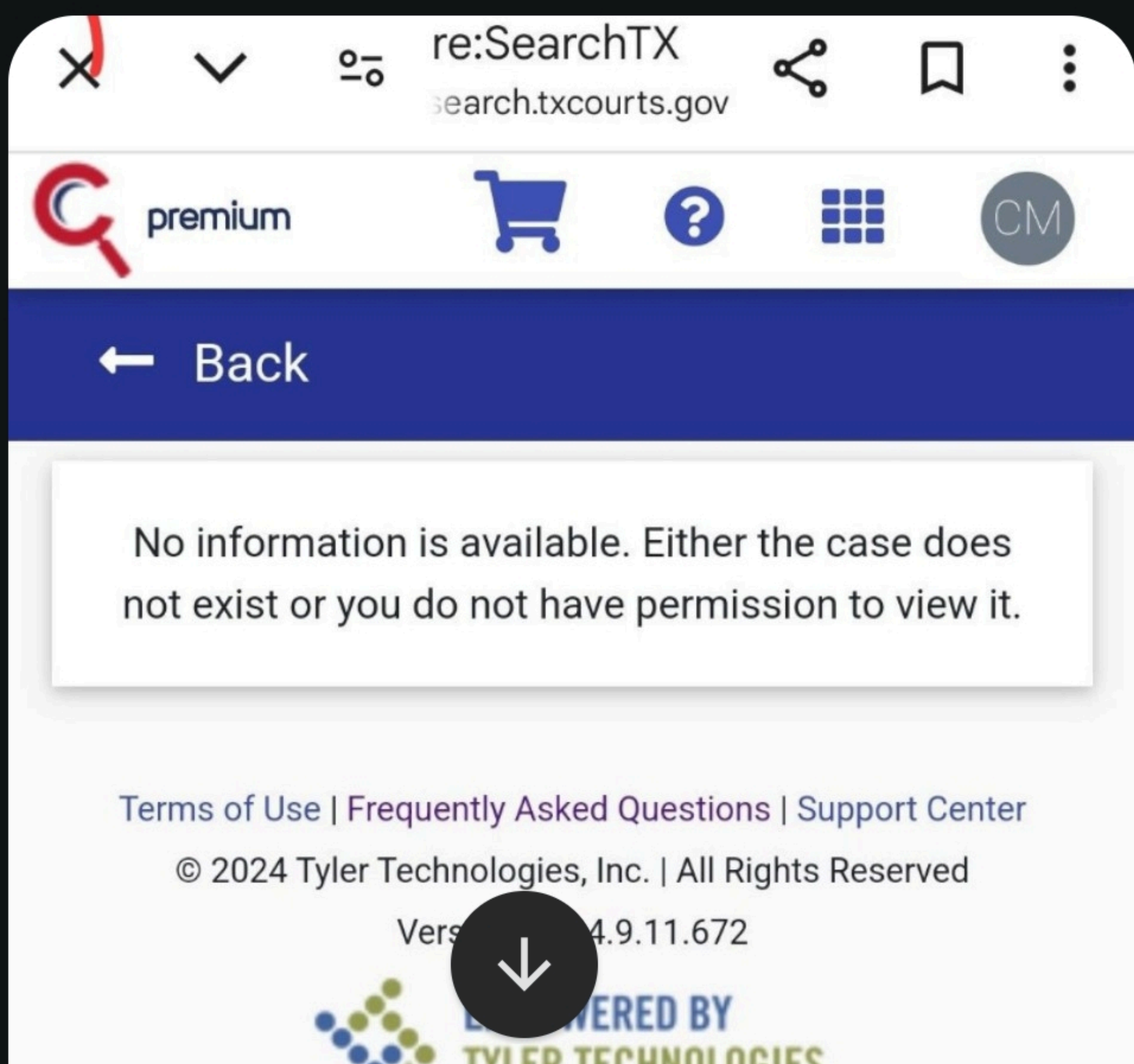


X 1



Did you file a  
continuous

I can't the case isn't  
available online to  
file into



RCS ...



X 2



Cooper agreed to a  
reset

Cool!

The first one is a  
court reporter

Oops

Okay, I talked to the Clerk. It  
was a district clerk or  
whatever it was on that  
associate judge number. And  
she said we don't do that and  
say, well look, I just want  
trying to make sure that, you



RCS ...





Charlie Vids &lt;chuckdustin12@gmail.com&gt;

**RE: ITMOMO MYERS, CAUSE NO. 322-744263-23, RECUSAL HEARING CL-12105**

1 message

**Cooper Carter** <coopercarter@majadmin.com>

Thu, Nov 7, 2024 at 9:12 AM

To: "Lindsey K. Baker" &lt;LKBaker@tarrantcountytx.gov&gt;

Cc: Charlie Vids &lt;chuckdustin12@gmail.com&gt;, "Tegan B. Allison" &lt;TBAAllison@tarrantcountytx.gov&gt;

Good Morning,

My client is in agreement with a reset at this time.

Would you please provide dates for a rescheduling? Thank you very much.

Cooper L. Carter

Attorney at Law

Marx, Altman & Johnson

2905 Lackland Road

Fort Worth, Texas 76116

Tel: (817) 926-6211

Fax: (817) 926-6188



THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT OF THE ADDRESSEE RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.



**From:** Charlie Vids [mailto:[chuckdustin12@gmail.com](mailto:chuckdustin12@gmail.com)]  
**Sent:** Thursday, November 7, 2024 8:17 AM  
**To:** Lindsey K. Baker; Cooper Carter  
**Subject:** RE: Today's hearing at 11 CL-12105

Dear Ms. Baker, and Mr. Carter,

I am writing to respectfully request a rescheduling of today's recusal hearing due to an unexpected medical issue. Late last night, I began experiencing severe tooth pain, which has now escalated to significant facial swelling and intense discomfort. The pain is currently affecting my ability to speak, eat, and focus, making it challenging to fully participate in today's proceedings.

Specifically, it's my bottom left molar which the nerve is open and exposed causing significant pain.

I want to sincerely apologize for any inconvenience this may cause, especially given the efforts the court has made to accommodate this hearing. Please know that this request is made only out of necessity, and I deeply regret the timing as I would prefer to move the case forward.

This request comes with a high degree of reluctance given the unexpected technical difficulties experienced last time and would not be making it if it wasn't absolutely necessary.

Thank you all for your understanding and consideration. I am committed to continuing with the hearing at the earliest possible opportunity as I am eager to move the case forward.

I wanted to inform the court as soon as possible out of respect for the courts busy schedule.

I currently am unable to locate the case on research texas, as I've been trying to file a formal notice but given the time I wanted to ensure the court was made aware as soon as possible of the situation.

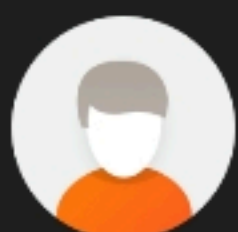
Lines of communication are open for further discussion or if any further information is needed.

With respect,

Charles Myers

[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)



Morgan Myers 

Last seen Nov 11 at 09:34 PM



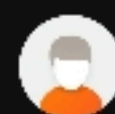
09:32 PM

WED, NOV 06

THU, NOV 07

Hey, I started experiencing massive pain in my bottom left molar last night. I informed the court and apparently the coordinator is out with covid. I'm gonna have to go to the dentist and see what I can do, so i just wanted to let you know because the girls are excited about urban air today. There's just no way.. but I can make it up to them another day when I'm not in excruciating pain.

08:21 AM



Okay.

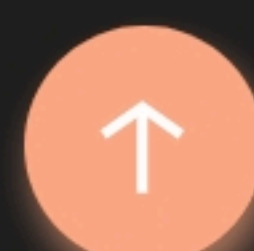
08:23 AM

I informed cooper but wanted to ensure everyone was aware. Called the court but no answer. Sent email. Case disappeared from the research tx platform

08:53



Message Morgan Myers





Charlie Vids &lt;chuckdustin12@gmail.com&gt;

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**Myers 322-744263-23**

1 message

**Lindsey K. Baker** <LKBaker@tarrantcountytexas.gov>

Mon, Nov 11, 2024 at 12:32 PM

To: Charlie Vids <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>, "CSD-legal-914@oag.texas.gov" <csd-legal-914@oag.texas.gov>, "CSD-legal-914@texasattorneygeneral.gov" <CSD-legal-914@texasattorneygeneral.gov>

Attached is an Order Denying Joint Motion to Recuse.

Thank you.

*Lindsey Baker*322<sup>nd</sup> Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4<sup>th</sup> floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

**322-744263-23 MYERS-Order Denying Joint Motion to Recuse.pdf**

66K

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

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IN THE DISTRICT COURT

322<sup>ND</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

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**ORDER DENYING JOINT MOTION TO RECUSE  
JUDGE MUNFORD AND JUDGE KAITCER**

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On the 7<sup>th</sup> day of November, 2024, came on to be heard the Joint Motion to Recuse Judge Munford and Judge Kaitcer filed in the above-entitled cause. The movant, Charles Dustin Myers, failed to appear. The respondent, Morgan Michelle Myers, appeared by and through her attorney of record. The movant failed to file a motion for continuance and the case was called by the Court. No evidence was offered and the Court concluded that the motion should be **DENIED**.

**IT IS THEREFORE ORDERED** that the Joint Motion to Recuse Judge Munford and Judge Kaitcer is **DENIED**. Any other relief requested in connection with this Joint Motion to Recuse Judge Munford and Judge Kaitcer and not granted herein is hereby Denied.

SIGNED this 7<sup>th</sup> day of November 2024.

  
JUSTICE LEE GABRIEL,  
Sitting by Assignment