



**25-0378**

**HON. NEWELL MANDAMUS**

**05.07.25**

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

to the 233<sup>rd</sup> Judicial District Court, Tarrant County

Cause No. 233-765358-25

On Mandamus Review from Cause No. 02-25-00171-CV in the Second  
District Court of Appeals, Fort Worth, Texas

Hon. Kenneth Newell Presiding

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## PETITION FOR WRIT OF MANDAMUS

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Respectfully submitted by:

Charles Dustin Myers  
chuckdustin12@gmail.com  
Tel.: 817-546-3693  
6641 Anne Court  
Watauga, Texas 76148

Emergency Relief Requested

## Identity of Parties and Counsel

### ***Relator***

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### ***Real Party in Interest***

Morgan Michelle Myers  
[Morganmw02@gmail.com](mailto:Morganmw02@gmail.com)

### ***Respondent***

Hon. Kenneth Newell  
District Judge  
233<sup>rd</sup> District Court,  
Tarrant County, Texas  
[adwierzbicki@tarrantcountytexas.gov](mailto:adwierzbicki@tarrantcountytexas.gov)  
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### ***Counsel for Real Party in Interest***

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## Table of Contents

Identity of Parties and Counsel .....	2
Table of Contents .....	3-4
Index of Authorities .....	5
Statement of the Case.....	6
Statement of Jurisdiction.....	7
Issues Presented .....	8
Introduction .....	9-10
Statement of Facts .....	11-14
Summary of Argument.....	14-16
Argument.....	16
<b>I. Standard for Mandamus review .....</b>	<b>16-17</b>
<b>II. Respondent clearly abused his discretion when he granted a contested consolidation motion <i>sua sponte</i>, without notice, without a hearing, and in clear violation of local rules.....</b>	<b>17</b>
<b>A. Extraordinary circumstances exist warranting mandamus review .....</b>	<b>17-18</b>
<b>B. The Respondent Had No Discretion to Violate Clear Local Rules or Deny Due Process .....</b>	<b>18-19</b>
<b>III. Relator lacks an adequate appellate remedy .....</b>	<b>19-21</b>
Conclusion .....	21
Prayer for Expedited Relief .....	22

Certification of facts and verification of record.....	23
Certification (TRAP 52.3(j)).....	24
Certificate of Compliance (TRAP 9.4(i)(3)).....	24
Certificate of Service .....	25

Index of Authorities

Cases	Page
<i>In re Christus Spohn Hosp. Kleberg,</i> 222 S.W.3d 434, 437 (Tex. 2007) (orig. proceeding) .....	18
<i>Dal-Briar Corp. v. Baskette,</i> 833 S.W.2d 612, 616 (Tex. App.—El Paso 1992, orig. proceeding).....	20
<i>In re McAllen Med. Ctr., Inc.,</i> 275 S.W.3d 458, 469 (Tex. 2008) (orig. proceeding) .....	19
<i>Perry v. Del Rio,</i> 66 S.W.3d 239, 257 (Tex. 2001) (orig. proceeding) .....	19
<i>In re Prudential Ins. Co. of Am.,</i> 148 S.W.3d 124, 136 (Tex. 2004) (orig. proceeding) .....	16,19
<i>In re USAA,</i> 307 S.W.3d 299, 305 (Tex. 2010) (orig. proceeding) .....	21
<i>In re Van Waters &amp; Rogers, Inc,</i> 145 S.W.3d 203, 211 (Tex. 2004) .....	17-18
<i>Walker v. Packer,</i> 827 S.W.2d 833, 839 (Tex. 1992) .....	16,18
 <b>Statutes and Rules</b>	
Tarrant County Local Rule 4.01(8)(a) .....	11

## Statement of the Case

### Nature of the Underlying Proceeding and Order Complained Of

This is an original proceeding seeking a writ of mandamus to compel the Honorable Kenneth Newell, Presiding Judge of the 233rd Judicial District Court, Tarrant County, Texas, to vacate his order dated April 11, 2025. This order granted a contested motion to consolidate Relator's Suit Affecting the Parent-Child Relationship (SAPCR), Cause No. 233-765358-25, with a first-filed divorce proceeding, Cause No. 322-744263-23, pending in the 322nd Judicial District Court of Tarrant County.

### Respondent Judge

The Honorable Kenneth Newell, District Judge, 233rd Judicial District Court, Tarrant County, Texas. His office is located at the Family Law Center, 200 E. Weatherford St., 5th Floor, Fort Worth, TX 76196-0230.

### Respondent's Challenged Actions:

Respondent granted Real Party in Interest's contested motion to consolidate the SAPCR (the later-filed case) into the divorce proceeding (the first-filed case). This order was issued *sua sponte* as to its timing and effect, without prior notice to Relator of an imminent ruling, without a hearing on Relator's timely filed objections to the consolidation, and in direct contravention of Tarrant County Local Rule 4.01(8)(a), which mandates that consolidation motions be filed and heard in the earliest-filed case.

### Procedural History in the Court of Appeals

Relator previously sought mandamus relief from the Second District Court of Appeals, Fort Worth, Texas, in Cause No. 02-25-00164-CV, challenging the Associate Judge's refusal to hear his Emergency Temporary Restraining Order in the SAPCR. That petition was denied *per curiam*. The current petition for writ of mandamus arises from the consolidation order issued by Respondent moments after Relator filed the aforementioned mandamus in the court of appeals. Relator also has two pending mandamus in this Court, cause Nos. 25-0361 & 25-0367, related to the underlying divorce matter.

**Statement of Jurisdiction**

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

**Issue Presented**

Did the Respondent clearly abuse his discretion, leaving Relator with no adequate remedy by appeal, by *sua sponte* granting a contested motion to consolidate a later-filed Suit Affecting the Parent-Child Relationship with a first-filed divorce case, where such order was issued without prior notice to Relator, without a hearing on Relator's timely filed objections, and in direct violation of a mandatory Tarrant County Local Rule requiring consolidation motions to be filed and heard in the earliest-filed case?

## Introduction

This Petition for Writ of Mandamus presents a case of profound and continuing injustice, compelling Relator, Charles Dustin Myers, to seek this Court's extraordinary intervention. For over fifteen agonizing months, Relator has been ensnared in a procedural labyrinth, his fundamental parental rights systematically imperiled by a pattern of judicial actions that defy due process and the clear mandates of Texas law. This is not a mere disagreement with a discretionary ruling; it is a challenge to actions taken *sua sponte*, without notice, without hearing, and in direct contravention of established legal safeguards, culminating in an improper consolidation order that further entrenches the denial of Relator's access to a fair and timely resolution of matters critical to his relationship with his children. This mandamus marks the third concurrent petition before this Honorable Court, and in totality, spell out a complete failure of the courts below to provide an adequate forum.

The circumstances detailed herein are not only extraordinary but also represent an unprecedented disregard for the basic tenets of procedural fairness within the very system designed to uphold them. Relator has diligently pursued every available avenue to protect his rights and seek redress for the clear abuses of discretion by the 233rd and 322<sup>nd</sup> District Courts of Tarrant County. These efforts, however, have been met with a series of *per curiam* denials from the Second Court

of Appeals, leaving Relator with no answers and without an adequate remedy by an appeal, resulting in continuous and ongoing irreparable harm. The challenged consolidation order, issued moments after Relator sought mandamus relief from the Court of Appeals concerning a related TRO denial, is the latest manifestation of a judicial course that appears determined to frustrate appellate review and perpetuate the denial of Relator's rights.

This Court's intervention is not merely sought to correct a single erroneous order, but to address a situation where the lower courts' actions, if left uncorrected, threaten to render Relator's substantive parental rights meaningless and undermine public confidence in the integrity of the judicial process. The facts of this case cry out for the exercise of this Court's mandamus power to uphold the rule of law, ensure fundamental fairness, and prevent the permanent loss of Relator's most precious rights. This petition demonstrates a clear abuse of discretion for which no adequate appellate remedy exists, demanding this Court's immediate and decisive action to restore due process and rectify a stunning departure from judicial propriety.

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

## STATEMENT OF FACTS

This case arises from a deeply troubling sequence of procedural events in underlying family law matters involving Relator, Charles Dustin Myers, and his children. The facts, meticulously supported by the record, paint a picture of Relator's persistent efforts to protect his parental rights and seek due process, met with actions by the 233rd District Court of Tarrant County and its Associate Judge that give rise to this petition. *See In Re: Myers, No. 25-0367 (Tex. pending).*

On March 18, 2025, Relator initiated an original Suit Affecting the Parent-Child Relationship (SAPCR), providing a comprehensive cover letter detailing his legal position. **R. 1.0-1.18; R. 2.1-2.11.** Accompanying this filing was an Application for Emergency Injunctive Relief, which outlined the series of events spanning from December 15, 2023, to the present day. **R. 3.1-3.31.** This application included numerous exhibits evidencing concerning issues such as bad-faith actions by the opposing party, (**R. 3.33-3.37**) problematic third-party involvement (**R. 3.38-R. 3.41**), a decline in the eldest child's academic performance, (**R. 3.44-3.45**) and signs of medical neglect concerning the youngest child **R. 3.46-3.47.**

Despite months of inactivity in the first-filed divorce matter, the opposing party answered the SAPCR suit merely two days after its filing **R. 4.1-4.5.** Shortly

thereafter, a motion to consolidate the SAPCR with the divorce case was filed by the opposing party in the 233<sup>rd</sup> District Court. **R. 5.0-5.4**

In response to these developments and to protect his procedural rights, Relator moved to strike certain pleadings (**R.6.1-6.10**) and filed a Rule 12 motion against opposing counsel **R. 7.1-7.14**. No response was ever filed to these motions. Faced with ongoing harm and the urgent need to care for his children, Relator then filed for an Emergency Temporary Restraining Order (TRO) seeking to prevent the Real Party in Interest from barring the Relator from his residence. **R. 8.1-8.31.** See also **R. 12.15.** (Relator providing merits of TRO to opposing party)

The attempt to secure a hearing on this critical TRO was summarily thwarted despite following proper procedure. **R. 12.9; 12.12-12.13.** Relator was denied the opportunity to even present his motion in the courtroom. Instead, he left with only the Court Coordinator's initials regarding a hearing scheduled for April 10, 2024, a hearing that was subsequently *un-set* by the Associate Judge without explanation or rescheduling. See *In Re: Charles Dustin Myers*, No. 02-25-00164-CV; see also **R.12.29.** The decision to refuse to hear Relator's emergency motion was based on an out-of-court statement made by opposing counsel, who was not even present in the courtroom at the time **R.12.20.**

A forward-looking motion related to these matters was not filed by the opposing party until a week later, on April 3, 2025 **R.13-13.2.** Subsequently, the

opposing party attempted to have a motion signed by the court without addressing Relator's timely filed objections **R.12.31**, an attempt Relator was forced to rebut **R.12.32**. No further correspondence was received from opposing counsel on this matter.

Having been denied a hearing on his emergency TRO, Relator formally informed the 233rd District Court of his intention to seek mandamus relief from the Second Court of Appeals regarding this outright denial (**R.14-14.18**) and provided a statement of facts recapping the situation. **R.14.4-14.6**. Relator then prepared and, on April 11, 2025, filed his petition for writ of mandamus with the Second Court of Appeals (See *In re: Charles Dustin Myers*, No. 02-25-00164-CV, challenging the TRO denial).

In a striking turn of events, mere moments after Relator sought this appellate oversight, he was served with an order, signed by the Respondent Judge of the 233rd District Court, granting the opposing party's contested motion to consolidate. This consolidation order was issued *sua sponte* as to its timing and effect, without notice to Relator of any imminent ruling, without a hearing on the consolidation motion itself, and without addressing Relator's timely filed objections to the consolidation **R.15-15.1**. Relator promptly moved for *en banc* reconsideration of the Second Court of Appeals' subsequent *per curiam* denial of his TRO mandamus, but this too was denied without any substantive reasoning,

marking the ninth such summary *per curiam* denial Relator has faced from that court concerning the same set of underlying facts and without any opposition from the opposing party or the judges below. This mandamus petition to the Supreme Court of Texas concerning the improper consolidation order necessarily followed.

### **Summary of Argument**

The Second Court of Appeals *per curiam* denials cannot be reconciled with Texas jurisprudence.<sup>1</sup> Respondent's *sua sponte* grant of a contested motion to consolidate after the refusal to hear an un-contested emergency TRO by his Associate Judge constitutes an abuse of discretion that has left Relator without an adequate appellate remedy.

Relator, Charles Dustin Myers, seeks a writ of mandamus directing the Honorable Kenneth Newell, Presiding Judge of the 233rd District Court, Tarrant County, to vacate his order granting a contested motion to consolidate. This order was issued *sua sponte*, without notice to Relator, without a hearing, and without

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<sup>1</sup> See *In re C.M.*, No. 02-24-00149-CV (Tex. App.—Fort Worth Apr. 10, 2024, orig. proceeding) (mem. op., per curiam); *id.* (Tex. App.—Fort Worth Apr. 25, 2024, orig. proceeding) (per curiam) (denying motion for rehearing); *id.* (Tex. App.—Fort Worth May 2, 2024, orig. proceeding) (per curiam) (denying en banc reconsideration); *In re Myers*, No. 02-25-00164-CV (Tex. App.—Fort Worth Apr. 11, 2025, orig. proceeding) (mem. op., per curiam); *id.* (Tex. App.—Fort Worth May 1, 2025, orig. proceeding) (per curiam) (denying en banc reconsideration); *In re Myers*, No. 02-25-00166-CV (Tex. App.—Fort Worth Apr. 15, 2025, orig. proceeding) (mem. op., per curiam); *id.* (Tex. App.—Fort Worth Apr. 24, 2025, orig. proceeding) (per curiam) (denying en banc reconsideration); *In re Myers*, No. 02-25-00171-CV (Tex. App.—Fort Worth Apr. 17, 2025, orig. proceeding) (mem. op., per curiam); *id.* (Tex. App.—Fort Worth May 1, 2025, orig. proceeding) (per curiam) (denying en banc reconsideration).

addressing Relator’s timely filed objections. The Respondent’s actions constitute a clear abuse of discretion for at least two fundamental reasons: first, the consolidation order directly violates Tarrant County Local Rule 4.01(8)(a), which mandates that consolidation motions be filed and heard in the earliest-filed case—a rule the Respondent had no discretion to ignore. Second, the denial of notice and an opportunity to be heard on a contested, potentially case-dispositive motion is a fundamental violation of due process.

Relator lacks an adequate remedy by appeal. The improper consolidation, effected under highly prejudicial circumstances (including the prior refusal of the Associate Judge to hear Relator’s emergency TRO and the suspicious timing of the consolidation order itself, issued moments after Relator sought mandamus relief from the Court of Appeals concerning the TRO denial), creates extraordinary circumstances. Forcing Relator to proceed through trial based on this voidable order would result in wasted judicial and personal resources, subject Relator to ongoing irreparable harm concerning his fundamental parental rights, and present insurmountable difficulties in demonstrating harm on appeal from proceedings tainted by such clear procedural error. The consistent *per curiam* denials by the Second Court of Appeals, without addressing the merits of Relator’s well-founded complaints, further underscore the inadequacy of ordinary appellate remedies and

the necessity of this Court’s intervention to uphold the rule of law and ensure Relator receives a fair process before his rights are irrevocably prejudiced.

## Argument

Mandamus relief is an extraordinary but essential remedy to correct clear abuses of discretion by a trial court when no adequate appellate remedy exists. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding). The circumstances of this case unequivocally meet this high standard, demanding this Court’s intervention to prevent manifest injustice and uphold the integrity of judicial proceedings.

### I. Standard for Mandamus review.

Mandamus relief is available where the trial court’s error “constitute[s] a clear abuse of discretion” and the relator lacks “an adequate remedy by appeal.” *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding). A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze or apply the law correctly to the facts. *Id.* at 839-40; *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 382 (Tex. 2005) (orig. proceeding). A trial court has no discretion in determining what the law is or applying the law to the facts. *Walker*, 827 S.W.2d at 840. Thus, “a clear failure by the trial court to analyze or apply the

law correctly will constitute an abuse of discretion.” *Id.* Both elements for mandamus relief are met here.

**II. Respondent clearly abused his discretion when he granted a contested consolidation motion *sua sponte*, without notice, without a hearing, and in clear violation of local rules.**

The actions of the 233rd District Court, through its Presiding Judge, Respondent, constitute a clear and reversible abuse of discretion for at least two fundamental reasons: first, the consolidation order directly violates mandatory Tarrant County Local Rules, and second, the manner of its issuance—*sua sponte*, without notice to Relator, without a hearing, and without addressing Relator’s timely filed objections—is a profound denial of fundamental due process.

**A. Extraordinary circumstances exist warranting mandamus review**

While mandamus typically does not lie from a trial court’s consolidation order because such orders usually do not threaten a party’s substantial rights, this Court has recognized that “if an ordinary appeal is inadequate because extraordinary circumstances exist, mandamus relief may be appropriate.” *In re Van Waters & Rogers, Inc.*, 145 S.W.3d 203, 210-11 (Tex. 2004) (orig. proceeding). Extraordinary circumstances are present when the appellate remedy is inadequate because, *inter alia*, “the party is in danger of permanently losing substantial rights,” “the error cannot be cured on appeal,” or “the party’s ability to present a

viable claim or defense is vitiated.” *Id.* at 211. Such circumstances are manifest here.

The Tarrant County Local Rules are unequivocal. Local Rule 4.01(8)(a) mandates that “every motion to . . . consolidate . . . *shall* be filed in the earliest-filed **case** and the motion shall be heard in the earliest-filed case.” (emphasis added). This rule is not merely advisory but a directive ensuring orderly case management and has the force of law. *See In re Christus Spohn Hosp. Kleberg*, 222 S.W.3d 434, 437 (Tex. 2007) (orig. proceeding) (trial courts are required to follow local rules). Here, the underlying divorce matter (Cause No. 322-744263-23), pending in the 322nd District Court, is the first-filed case. The SAPCR (Cause No. 233-765358-25) was filed later in the 233rd District Court. Despite the clear mandate of Local Rule 4.01(8)(a), and the fact that the consolidation motion was filed in both Courts, Respondent in the 233rd District Court (the later-filed case) granted the motion. This action directly contravenes the local first-filed rule, an act for which the trial court had no discretion. *Walker*, 827 S.W.2d at 840.

**B. The respondent had no discretion to violate local rules or deny due process.**

Furthermore, Respondent granted the consolidation motion *sua sponte* as to its timing and effect, without providing Relator notice or an opportunity for a hearing on his timely filed objections. This deprived Relator of his fundamental right to due process. A trial court has no discretion to ignore or misapply clear local

rules or to deny a party due process. *See In re J.B. Hunt Transp., Inc.*, 492 S.W.3d 287, 299-300 (Tex. 2016) (orig. proceeding) (due process requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner). The Respondent’s decision to grant consolidation in the later-filed case, particularly under these circumstances—*sua sponte*, without notice or hearing on Relator’s objections, and with the effect of centralizing proceedings before a court that had previously demonstrated a reluctance to afford Relator emergency relief—constitutes a clear abuse of discretion. The timing and manner of this consolidation, occurring immediately after Relator sought mandamus relief from the Associate Judge’s refusal to hear his TRO, strongly suggests that this procedural maneuver was intended to circumvent appellate oversight and further entrench the existing denial of Relator’s access to justice.

### **III. Relator lacks an adequate appellate remedy.**

An appellate remedy is inadequate when a party is in real danger of losing substantial rights, *Perry v. Del Rio*, 66 S.W.3d 239, 257 (Tex. 2001) (orig. proceeding), or when the trial court’s error is such that it cannot be effectively cured on appeal, potentially leading to wasted judicial resources and irreparable harm to the litigant. *See In re McAllen Med. Ctr., Inc.*, 275 S.W.3d 458, 469 (Tex. 2008) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d at 136.

In this case, the Respondent's *sua sponte* consolidation order, issued without notice, hearing, and in violation of local rules, presents precisely such a scenario. Relator's substantial rights, particularly his fundamental parental rights and his right to a fair process in the determination of those rights, are directly imperiled. The improper consolidation forces Relator to litigate critical issues concerning his children in a procedural posture tainted by clear legal error and apparent judicial resistance to affording him due process. Forcing Relator to endure a full trial under these circumstances, only to argue on appeal that the consolidation was improper, is not an adequate remedy. The prejudice from such a procedurally flawed consolidation, especially in a sensitive family law context involving custody of children, is difficult to quantify and may be impossible to fully "untangle" on appeal. *See Dal-Briar Corp. v. Baskette*, 833 S.W.2d 612, 616 (Tex. App.—El Paso 1992, orig. proceeding) (noting difficulty in showing harm from improper consolidation after trial).

Furthermore, the history of this case, including the prior denial to hear a motion requesting emergency relief based on ex parte communications and the pattern of per curiam denials from the appellate court without substantive review, demonstrates that ordinary appellate processes have thus far failed to provide Relator with a meaningful opportunity to be heard or to correct clear abuses of discretion. The challenged consolidation order is not an isolated incident but part

of a continuing course of conduct that effectively denies Relator due process and access to justice, specifically his ability to protect his relationship with his daughters and ensure their well-being. Waiting for a final appeal would subject Relator to further irreparable harm, including the continued deprivation of his parental rights and the significant expense and burden of a trial predicated on a voidable order. This Court has recognized that mandamus is appropriate to spare parties and the public the expense of a trial and appeal when the trial court's ruling is a clear abuse of discretion that an appellate court would likely correct. *See In re USAA*, 307 S.W.3d 299, 314 (Tex. 2010) (orig. proceeding). The circumstances here cry out for such intervention to prevent further injustice and the needless expenditure of judicial and personal resources on proceedings founded upon clear and prejudicial error.

## **CONCLUSION**

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

### **PRAYER FOR EXPEDITED RELIEF**

For the foregoing reasons, Relator respectfully requests that this Honorable Court:

- i. Grant this Petition for Writ of Mandamus;
- ii. Reverse or vacate the Second Court of Appeals' *per curiam* denial of mandamus relief issued in Cause No. 02-25-00171-CV
- iii. Issue a writ of mandamus directing the 233rd District Court of Tarrant County, Texas, Honorable Kenneth Newell presiding, to vacate the Order Granting Motion to Consolidate, signed April 11, 2025, in Cause No. 233-765358-25; and
- iv. Grant Relator such other and further relief to which he may be justly entitled.

Respectfully submitted,

/s/ *Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
817-546-3693  
PRO-SE Relator

**CERTIFICATION OF FACTS AND VERIFICATION OF RECORD**

Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator, and upon his oath, stated that (i) he is representing himself in this matter; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record; and (3) he has personal knowledge that the items in the appendix and record are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit or orders signed by the trial court in the underlying suit. There was no testimony or evidence admitted into this matter.

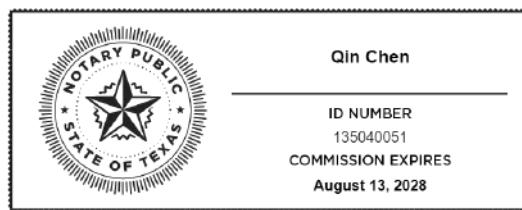
*/s/ Charles Dustin Myers*

Charles Dustin Myers

**Subscribed and sworn on May 7<sup>TH</sup> 2025.**

*Qin Chen*

State of Texas  
County of Harris



Electronically signed and notarized online using the Proof platform.

**Certification (TRAP 52.3(j))**

Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record.

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
PRO-SE RELATOR

**Certificate of Compliance (TRAP 9.4(i)(3))**

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document is **3102** words.

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
PRO-SE RELATOR

## **CERTIFICATE OF SERVICE**

Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 1<sup>st</sup>, 2025.

***Real Party in Interest***  
Morgan Michelle Myers  
[morganmw02@gmail.com](mailto:morganmw02@gmail.com)

***Respondent***  
Hon. Kenneth Newell  
District Judge  
233<sup>rd</sup> District Court,  
Tarrant County, Texas  
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Tel.: 817-884-1794  
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Fort Worth, TX 76116;

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

to the 455<sup>th</sup> Judicial District Court, Tarrant County

Cause No. 233-765358-25

On Mandamus Review from Cause No. 02-25-00171-CV in the Second  
District Court of Appeals, Fort Worth, Texas

Hon. Kenneth Newell Presiding

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## RELATOR'S APPENDIX

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Respectfully submitted by:

Charles Dustin Myers  
chuckdustin12@gmail.com  
Tel.: 817-546-3693  
PRO-SE Relator

**APPENDIX TABLE OF CONTENTS**

<b>TAB #</b>	<b>ITEM</b>
TAB 1 .....	Order granting consolidation
TAB 2 .....	Tarrant county local rule 4.01(8)

# TAB A

322-744263-23

233-765358-25

FILED  
 TARRANT COUNTY  
 4/10/2025 2:15 PM  
 THOMAS A. WILDER  
 DISTRICT CLERK

**NO. 233-765358-25**

IN THE INTEREST OF	§ IN THE DISTRICT COURT
M [REDACTED] M [REDACTED] AND C [REDACTED]	§ 233RD JUDICIAL DISTRICT
M [REDACTED],	§
CHILDREN	§ TARRANT COUNTY, TEXAS

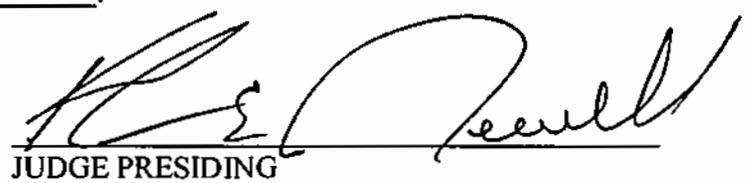
**NO. 322-744263-23**

IN THE MATTER OF	§ IN THE DISTRICT COURT
THE MARRIAGE OF	§
MORGAN MYERS	§ 322 <sup>ND</sup> JUDICIAL DISTRICT
AND	§
CHARLES MYERS	§
AND IN THE INTEREST OF	§
M [REDACTED] M [REDACTED] AND	§
C [REDACTED] M [REDACTED]	§ TARRANT COUNTY, TEXAS

**ORDER ON MOTION TO CONSOLIDATE**

On April 10, 2025 the Court considered the Motion to Consolidate of MORGAN MYERS and ORDERS that the above lawsuits be consolidated under the older and lower cause number.of the divorce action in the 322-744263-23 cause of action.

SIGNED on April 10, 2025.



JUDGE PRESIDING

### Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Status as of 4/10/2025 2:22 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	4/10/2025 2:15:17 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/10/2025 2:15:17 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/10/2025 2:15:17 PM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	4/10/2025 2:15:17 PM	SENT

**M.3198**

**M.3198**

## **TAB B**

**M.3198**

**M.3198**

TARRANT COUNTY LOCAL RULES -  
FAMILY

**Part 4.**

## **Rules for Disposition of Family Law Cases**

### **Rule 4.01: General Disposition Rules**

8. Motion to Transfer, Consolidate, or for Joint Hearing

- a. Every motion to transfer, for consolidation, or for joint hearing of two or more cases under Rule 174(a), Texas Rules of Civil Procedure, shall be filed in the earliest filed case.
- b. Each such motion shall have the cause number and style of each applicable case.
- c. If granted, the transferee Tarrant County Family District Court shall enter an order consolidating all other actions into the earliest filed case, except in situations where a suit affecting parent-child relationship is pending and a subsequent divorce is filed, in which case the transfer or consolidation shall be done pursuant to the Texas Family Code.
- d. This section is subject to Section 262.203 of the Texas Family Code as it relates to cases that are subject to Chapter 262 of the Texas Family Code.
- e. Pursuant to subchapter D of Chapter 85 of the Texas Family Code, if an Application for a Protective Order is filed regarding the parties to a Divorce and/or a child the subject of a Divorce or Suit Affecting the Parent-Child Relationship that is currently pending and/or has been finalized in Tarrant County, the Protective Order proceeding shall be transferred to the court where the Divorce or Suit Affecting the Parent-Child relationship is pending, but may continue to be in a separate cause of action. TRCP 330(e).

Additionally, if a Divorce proceeding or Suit Affecting the Parent-Child Relationship is filed after an Application for Protective Order is filed, but prior to a rendition of final Protective Order, the Protective Order proceeding should be transferred to the Court in which the Divorce or Suit Affecting the Parent-Child Relationship is pending.

All parties and/or attorneys shall have a duty to the Court to advise the Court of ANY other currently pending proceeding involving any of the parties and/or children who may be the subject of these proceedings.

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Filing Description: Record to Petition for Writ of Mandamus

Status as of 5/7/2025 11:16 AM CST

**Case Contacts**

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CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	5/7/2025 10:58:49 AM	NOT SENT