

NO. 25-0458

IN THE SUPREME COURT OF  
TEXAS

*IN RE: CHARLES DUSTIN MYERS*

**SECOND AMENDED MOTION  
FOR REHEARING**

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

Relator CHARLES DUSTIN MYERS (“Myers”) respectfully submits this second amended motion for rehearing to bring forth new information that compounds the issues in the trial courts below. Rather than addressing the substantive issues raised across all five mandamus petitions here, the court below continues to act *ultra-vires* and in a manner that threatens public confidence of the judiciary. Despite non-prosecution for 18 months, the court below continues to favor the opposing side and refuses to follow Texas law. In support of this motion, the Relator shows this Honorable Court the following:

## **I. Summary**

1. Under Texas law, a district judge who is the subject of a recusal motion may not resume jurisdiction or issue substantive orders until a formal order of reinstatement is issued by the Regional Presiding Judge; any orders made before such reinstatement are void and without legal effect. The failure to follow these mandatory procedures constitutes a fundamental jurisdictional defect that warrants extraordinary relief.

2. Texas Rule of Civil Procedure 18a and related case law establish a strict, mandatory process for handling judicial recusal motions. When a recusal motion is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge, and may take no further action in the case until the motion is resolved and, if denied, until a formal order of reinstatement is issued; any orders issued in violation of these requirements are void ab initio.

3. In the present scenario, the district judge's issuance of an order setting the underlying matter for final trial without a reinstatement order from the Regional Presiding Judge is *ultra vires* and void for lack of jurisdiction. (Exhibit 1) Texas courts have consistently held that such procedural and jurisdictional defects are not mere technicalities but go to the heart of due process and judicial authority, and that extraordinary relief is appropriate to remedy such fundamental errors and uphold public confidence in the Texas judiciary.

## **II. Background and Relevant Law**

4. The primary legislative authority governing judicial recusal in Texas is Texas Rule of Civil Procedure 18a, which sets forth the procedures and limitations on judicial action when a recusal motion is filed. Under Rule 18a(f), when a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge within three business days. Critically, the judge is prohibited from taking any further action in the case until the motion is resolved, except for good cause stated in writing or on the record. If the motion is denied, the judge may not resume jurisdiction until the Regional Presiding Judge issues a written order of reinstatement.

5. This framework is reinforced by the Texas Government Code, which requires that, upon recusal or the filing of a recusal motion, the judge must request the presiding judge of the administrative judicial region to assign another judge to the case and take no further action except for good cause stated in the order. See Tex. Gov't. Code § 24.002.

## **III. Jurisprudence**

6. Texas appellate courts have repeatedly and consistently interpreted Rule 18a as imposing strict, mandatory requirements on judges subject to recusal motions. The authorities are uniform in holding that:

i. Once a recusal motion is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge and may not take further action in the case until the motion is resolved. *In re Gold*, 04-25-00085-CV (Tex. App. May 07, 2025); *In re Smale*, NO. 12-19-00372-CV (Tex. App. Apr 30, 2020); *In re Moore*, NUMBER 13-19-00551-CV (Tex. App. Dec 19, 2019); *In re Amir- Sharif*, NUMBER 13-19-00573-CV (Tex. App. Dec 12, 2019); *In re Marshall*, 515 S.W.3d 420 (Tex. App. 2017); *Johnson v Pumjani*, 56 S.W.3d 670 (Tex. App. 2001); *Brosseau v. Ranzau*, 911 S.W.2d 890 (Tex. App. 1995)).

ii. If the recusal motion is denied, the judge may not resume jurisdiction or take any further action until the Regional Presiding Judge issues a written order of reinstatement. *Ex parte Thuesen*, 546 S.W.3d 145 (Tex. Crim. App. 2017); *In re Burcham*, NO. 12-18-00008-CV (Tex. App. Jan 24, 2018); *Mann v. Denton Cnty.*, NO. 02-13-00217-CV (Tex. App. Oct 09, 2014)).

iii. Once a judge recuses themselves or a recusal motion is pending, the judge is stripped of all authority to act in the case unless and until proper reinstatement procedures are followed. Any orders or judicial acts performed in violation of these requirements are ultra

vires and void ab initio. *Ex parte Thuesen*, 546 S.W.3d 145 (Tex. Crim. App. 2017).

#### **IV. Analysis**

7. Mandamus relief is appropriate where a trial court issues orders beyond its jurisdiction or fails to comply with mandatory procedural requirements. *In re Alpert*, 276 S.W.3d 592 (Tex. App. 2008) and *In re Norman*, 191 S.W.3d 858 (Tex. App. 2006) both recognize that mandamus may issue to compel a judge to act on pending motions or to set aside void orders issued without proper authority.

8. Here, Honorable John H. Cayce, respondent in this matter, remains active, and no official reinstatement has been issued by the Regional Presiding Judge.

9. Orders issued by a district judge after a motion to recuse has been filed, and before a written order of reinstatement by the Regional Presiding Judge, are void ab initio under Texas law. The judge lacks jurisdiction to act in the case during this period, and any such orders must be set aside.

10. Texas jurisprudence makes clear that such violations are not mere technicalities but go to the heart of the judge's jurisdiction. In *Ex parte Thuesen*, 546 S.W.3d 145 (Tex. Crim. App. 2017), the court held that any orders issued by a judge after recusal, and before a written order of reinstatement, are void. The court emphasized that only a formal, written order by the regional presiding judge can restore judicial authority, and that oral or informal communications are insufficient.

11. The rationale for this strict approach is to preserve the integrity and impartiality of the judiciary and to ensure that parties are not subject to the authority of a judge whose impartiality has been called into question. The mandatory nature of the procedural requirements means that any deviation results in a fundamental jurisdictional defect, rendering any orders issued during the period of noncompliance void ab initio.

12. Because the orders are void, parties are entitled to seek mandamus relief to set aside the void orders and to compel compliance with the procedural requirements. *In re Smale*, NO. 12-19-00372-CV (Tex. App. Apr 30, 2020); *In re Amir-Sharif*, NUMBER 13-19-00573-CV (Tex. App. Dec 12, 2019)). The courts have granted such relief in numerous cases, recognizing that the failure to follow the mandatory procedures constitutes a fundamental jurisdictional defect that cannot be cured by subsequent action.

13. In the present matter, the failure to comply with the mandatory procedures requires that rehearing be granted to prevent further error. Any orders issued by the judge during the period of noncompliance must be vacated, and the case must be restored to the position it was in immediately following the filing of the recusal motion.

## **V. Conclusion**

Texas law is clear: once a motion to recuse is filed, the district judge must either recuse themselves or refer the motion to the regional presiding judge and must not take further action in the case until the motion is resolved and, if denied, until a written order of reinstatement is issued. Any orders issued by the judge in violation of these requirements are void ab initio, as the judge acts without jurisdiction during this period. This rule is firmly established in both statutory law and a long line of Texas appellate and supreme court decisions, including *Ex parte Thuesen*, 546 S.W.3d 145 (Tex. Crim. App. 2017) and *In re Burcham*, NO. 12-18-00008-CV (Tex. App. Jan 24, 2018). The failure to follow these mandatory procedures constitutes a fundamental jurisdictional defect, requiring that any orders issued during the period of noncompliance be set aside and that rehearing be granted to prevent further error now rather than wait for more inevitable appeals to surface.

## **VI. Prayer**

WHEREFORE, PREMISES CONSIDERED, Relator CHARLES DUSTIN MYERS respectfully prays that this Honorable Court:

1. Grant this Second Amended Motion for Rehearing;
2. Issue a writ of mandamus directing the trial court to vacate all orders issued after the filing of the motion to recuse and before the issuance of a written

order of reinstatement by the Regional Presiding Judge, as such orders are void ab initio for lack of jurisdiction;

3. Order the trial court to comply strictly with the mandatory procedures set forth in Texas Rule of Civil Procedure 18a and Texas Government Code § 24.002 in all further proceedings;
4. Restore the case to the procedural posture it occupied immediately following the filing of the recusal motion, and grant such other and further relief, at law or in equity, to which Relator may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
Pro Se Relator  
chuckdustin12@gmail.com  
817-546-3693  
Dated: August 21, 2025

# EXHIBIT 1

IN THE MATTER OF ) IN THE DISTRICT COURT OF  
THE MARRIAGE OF: )  
 )  
MORGAN MICHELLE MYERS )  
AND )  
CHARLES DUSTIN MYERS ) TARRANT COUNTY, TEXAS  
 )  
AND IN THE INTEREST OF: )  
M [REDACTED] E [REDACTED] M [REDACTED] )  
AND )  
C [REDACTED] R [REDACTED] M [REDACTED] )  
CHILDREN ) 322ND JUDICIAL DISTRICT

**NOTICE SETTING A COURT PROCEEDING**  
**AND DOCKET CONTROL ORDER**

Pursuant to Texas Rules of Civil Procedure 245 the Court on its own motion sets this case for final trial more than forty-five (45) days from the date of the signing of this Notice of Court Proceeding and Docket Control Order.

1. A Court proceeding is set before the 322nd District Judge, Family Law Center, Fourth Floor, 200 E. Weatherford Street, Fort Worth, Texas 76196.

**A Court proceeding for a final trial on merits is set on December 10, 2025 at 9:00 a.m. before the 322<sup>nd</sup> District Judge.**

This is an in person proceeding and your presence is required.

The Court's designated contact information is found in the Tarrant County Website which is located at [www.tarrantcountytexas.gov](http://www.tarrantcountytexas.gov).

The Court Coordinator, concerning scheduling questions, is Lindsey Baker. Her telephone number is (817) 884-1597. Her email is [lkbaker@tarrantcountytexas.gov](mailto:lkbaker@tarrantcountytexas.gov).

**The purpose of the proceeding to hear a final trial on the merits concerning all issues before the Court.**

2. It is Ordered that a sworn Inventory and Appraisement shall be prepared and is due on October 15, 2025. (An appropriate form may be found in the Tarrant County Law Library in the Texas Family Practice Manual)

Notice of Court Proceeding  
Page 1

All Sworn Inventory & Appraisements Shall Be Exchanged And Filed With The Clerk Of The Court on or before 4:30 p.m. October 15, 2025.

3. FAILURE TO APPEAR FOR TRIAL WILL RESULT IN A DEFAULT JUDGMENT.

4. PRESENTATION OF EVIDENCE: Attached is the Court's policy for the presentation of evidence at a trial.

5. A PROPOSED PROPERTY DIVISION: All parties to cases involving property issues shall provide the Court a written proposed property division at the time of trial.

A PROPOSED PARENTING PLAN: All parties to cases involving child-related issues of conservatorship, access or co-parenting shall provide to the Court a written proposed parenting plan which deals with all contested issues at the time of trial.

In addition, a written Financial Information Sheet for Final Trial showing income and expenses shall be prepared pursuant to Tarrant County Local Rule.

SIGNED this 15<sup>th</sup> day of August, 2025.



JAMES B. MURPHY  
JUDGE PRESIDING

**322<sup>nd</sup> District Court's Policy for Trials and Hearings Concerning Evidence**  
**Presented to the Court, Effective September 1, 2023**

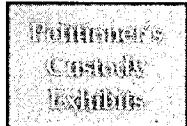
The 322<sup>nd</sup> District Court is updating its policy for Final Trials, Temporary Hearings and Hearings wherein written evidence will be presented.

If a case is set for final trial or a hearing before the District Judge, the Court requests that all documentary exhibits be marked and copied in PDF format to an original USB drive. All videos, audios, etc. shall also be copied to the USB drive in a universal format for Windows Media Player.

In addition, the marked "original" paper exhibits, the basis of the exhibits found on the USB, shall be delivered to the Court Reporter's office in a three-ring binder trial notebook. The District Judge does not want a three-ring binder trial notebook, the USB drive is sufficient.

**All exhibits and the USB drive shall be delivered to the Court Reporter at least 48 hours in advance of a trial or hearing. The opposing side is entitled to a paper copy of the exhibits at least 48 hours prior to a trial or hearing. Failure to receive a copy is not grounds to continue a case.**

The exhibits should be numbered rather than identified alphabetically. The USB when opened, should have a labeled folder, for example, Petitioner's Custody Exhibits and/or Petitioner's Property Exhibits. When the folder is opened, the exhibits should state the exhibit number and identify the exhibit. For example, Exhibit 1-Proposed Parenting Plan.



- Exhibit 1-Proposed Parenting Plan  
Exhibit 2-Financial Information Sheet  
Exhibit 3-Proposed Child Support

**Lindsey K. Baker**

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**From:** Lindsey K. Baker  
**Sent:** Friday, August 15, 2025 1:14 PM  
**To:** FUDSTOP; Cooper Carter; CSD-Legal-914; 'CSD-LEGAL-914@TEXASATTORNEYGENERAL.GOV'  
**Subject:** Myers 322-744263-23  
**Attachments:** Myers.pdf

Attached please find a Notice Setting a Court Proceeding and Docket Control Order.

Final Trial is set for December 10, 2025, at 9:00 a.m. in the 322<sup>nd</sup> District Court. This is an in person setting and your presence is required.

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

## **Automated Certificate of eService**

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Envelope ID: 104666627

Filing Code Description: Amended/Redrafted Petition

Filing Description: Second Amended Motion for Rehearing

Status as of 8/21/2025 11:01 AM CST

### Case Contacts

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Holly Hayes		csd-legal-914@texasattorneygeneral.gov	8/21/2025 10:57:13 AM	SENT
COOPER CARTER		COOPERCARTER@MAJADMIN.COM	8/21/2025 10:57:13 AM	SENT