

25-0426

IN THE SUPREME COURT OF TEXAS

IN RE: CHARLES DUSTIN MYERS, RELATOR.

On Petition for Writ of Mandamus
to the 322nd Judicial District Court, Tarrant County
Trial Court Cause 322-744263-23
Original Proceeding
Hon. David L. Evans Presiding

EMERGENCY MOTION TO STAY

Respectfully submitted by:

Charles Dustin Myers, Relator

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Pro-Se

TO THE HONORABLE SUPREME COURT OF TEXAS:

Relator Charles Dustin Myers (“the Relator”) respectfully requests that the court immediately stay the trial court proceedings below, specifically cause number 322-744-263-23 and all related orders therein, until the court can decide on cause numbers 25-0361, 25-0367, 25-0378, and the instant matter – cause number 25-0426, which are all interconnected but distinct in their specific issues. In support of this emergency request, the Relator shows this Honorable Court the following:

I. CASE REFERENCE TABLE

Each relevant case can be directly referenced from the table below which contains links to the website of the Supreme Court of Texas containing relevant materials except for the instant motion:

| CASE # | CASE HOME | PETITION | RECORD | MOTION |
|----------------|---|---|--|---|
| 25-0361 |  |  |  | <u>EMER.¹ STAY</u> <u>CONSOL.²</u> |
| 25-0367 |  |  |  | <u>CONSOL.</u> |
| 25-0378 |  |  |  | <u>CONSOL.</u> |
| 25-0426 |  |  |  | <u>EMER. STAY</u> |

¹ Emergency

² Consolidation

II. REFERENCES TO THE RECORD

Citations designated as “CR. X, p. X” refer to the record page number within the Consolidated Mandamus Record filed in support of the Amended Motion to Consolidate currently pending before the Court in related matters 25-0361, 25-0367, and 25-0378. Each citation is hyperlinked directly to the corresponding page to facilitate efficient judicial review.³ For example, (CR. 1, p. 42) links to the record’s caption, and (CR. 2, p. 43) links to the cover page. All pages in the consolidated record—excluding the caption—are individually paginated, with the page number appearing in each corner. If hyperlink functionality fails, the page reference (“p. X”) may be used to locate the citation manually.

III. INTRODUCTION

Between the date of filing of the initial emergency stay requested on May 1, 2025, and the time of filing the instant motion on May 20, 2025, another abuse of discretion has manifested in the courts below, ongoing damage continues to accrue, irreparable harm to the parent-child relationship remains ongoing, there remains no opposition to the relief being requested, and there exists no adequate remedy by an appeal or by law to resolve this situation without higher court review. Issuing a stay of the proceedings will prevent further error from occurring in the interim, prevent

³ The linked page references use #page=X anchors supported by most browsers. If the Adobe Acrobat Chrome extension is active, the links may not jump to the correct page. To view them properly, users should temporarily turn off the extension or open the link in an incognito tab.

further loss of rights, restore financial and parental stability to the children, and will uphold this State's policy regarding pursuant to 153.002 of the Family Code.

IV. REASONS TO STAY PROCEEDINGS

1. Issuing a stay will prevent further errors from occurring below

In the Second Court of Appeals and in the consolidated mandamus record attached to the Amended Motion to Consolidate before this Court, the Relator referred to these proceedings as the “Dragon in Triplicate”, which referred to the case as a procedural hydra that would continue to spawn additional heads if not dealt with as a whole, much akin to the mythical hydra depicted in Greek Mythology. On May 19, 2025, the instant matter was filed before this Court seeking to preserve the integrity of the recusal process, and an additional error threatens to spawn a fifth petition if these proceedings are not stayed absent a compelling reason to the contrary or legal justification for the mounting issues at hand.

The Relator respectfully reminds the Court that the most recent filed mandamus raised two issues:

1. That overruling an objection to the involvement of the court coordinator in the recusal process conflicts with the provisions of Rule 18a of the Texas Rules of Civil Procedure. (CR. 2744, p. 2785)

2. That the order of assignment issued on May 6, 2025, is procedurally defective ([CR. 2738](#), p. 2419) and is based on a fundamental mischaracterization of the Recusal Motion, particularly as it pertains to the Honorable Jeffrey Kaitcer. ([CR. 2743](#), p. 2784)

Shortly after filing the current mandamus petition docketed under cause number 25-0426 naming Honorable David L. Evans as the Respondent, the Recusal proceedings the Relator sought to preserve in accordance with the rules of procedure was abruptly ruled on by the assigned Judge, Honorable John H. Cayce Jr., and the reasons given for this denial strike at the very heart of the core arguments raised by the Relator.

In this denial, it states:

“After reviewing the motion and amended motion, I find that the motion and amended motion are based solely on the judge's rulings in the case under Tex. R. Civ. P. 18a (a) (3), and, even assuming they are not, the motions fail to state with detail and particularity facts that are within the affiant's personal knowledge, or on information and belief, that would be admissible in evidence and that, if proven, would be sufficient to justify recusal of Judge Munford on any ground specified in Tex. R. Civ. P. 18b (b), as required by Tex. R. Civ. P. 18a (a)(4).” *Exhibit A*

The Relator contends that this conclusion is legally and factually unsustainable. The denial fails to acknowledge the substance, structure, and verified evidentiary support offered in the First Amended Motion to Recuse. Each

ground cited by the court is directly rebutted by the motion's text, bookmark structure, and the record itself that would warrant a hearing on the matter.

What the trial court below continues to overlook is the *pattern* of bias exhibited throughout these proceedings. Even here, this order gives the *appearance* of fair adjudication, but when examining the broader scope of this case, this order only adds to a layer of unexplained actions that can't be attributed to the record before it and cannot be lawfully explained through common law or statutory law.

If we turn and look at the manner in which these recusal proceedings were handled, not just the resulting order, this is what the record reflects:

A. Recusal #1 – Joint Motion to Recuse Hon. James Munford & Hon. Jeff Kaitcer ([CR. 1171-1195](#), p. 1212-1236)

1. The first recusal proceedings were initiated on October 7, 2025, and were processed through the court coordinator. The record reflects that the initial referral order "...provides no indication that the exhibits were filed alongside the motion, particularly the affidavit, which is referenced in the table of contents." ([CR. 1231](#), 1272). This raised a reasonable procedural question as to whether the Regional Presiding Judge received a complete version of the filing.
2. This difference is apparent by referencing the initial referral order which contains the recusal motion filed by the Relator, ends on page 17 ([CR.](#)

- [1217](#), p. 1258) and lacks the crucial affidavit which is reflected in the table of contents to begin on page 18 of the motion. ([CR. 1200](#), p. 1241)
3. The motion that the Relator filed with the clerk of the court ended on page 20 ([CR. 1191](#), p. 1235) but still contained the same automated certificate of service.
 4. This prompted an Amended Order of Referral, where the file was split into three parts “[d]ue to the length of the Joint Motion of Recusal”. ([CR. 1233](#), p. 1274). The length of the motion originally filed was 150 pages long and 19.7mb in file size.

5. The split motion was only delivered via email by the court coordinator, and to the Relator’s knowledge it has not been officially entered into the record. ([CR. 1234](#), p. 1275) The combined file sizes delivered equal 7,778 kilobytes which is roughly 7.59 megabytes, less than half of the size of the originally submitted document.

B. Recusal #2 –Motion to Recuse Hon. James Munford ([CR. 2463-2584](#), p. 2504-2625)

1. The second recusal proceedings began on April 28, 2025, and were again processed through the court coordinator. Abnormalities appeared when both Hon. James Munford and Hon. Jeffrey Kaitcer signed and filed orders of referral. ([CR. 2585](#), p. 2626, [CR. 2590](#), p. 2631)

2. This time, no motion was attached to either correspondence forwarded to the Regional Presiding Judge, and the Motion unambiguously sought the recusal of Hon. James Munford and made no mention seeking the Recusal of Hon. Jeff Kaitcer.
3. These errors prompted an objection which raised two major issues in the procedural handling of the process, which were 1) “the coordinator continues to improperly manage and influence the referral process”, and 2) “...the current motion for recusal specifically and explicitly names only Hon. James Munford as the respondent judge.” ([CR. 2597](#), p. 2638)
4. The order of assignment of Hon. John H. Cayce Jr. on May 6, 2025, still incorrectly referenced a non-existent motion to recuse involving Hon. Kaitcer, leading to a second objection that re-stated the issues raised in the first objection. ([CR. 2742](#), p. 2783)

The differences between how the recusal procedures were handled in the first proceedings versus the second proceedings raises several questions about the integrity of the process. The procedural posture of this matter will almost certainly create future issues that will act as further barriers to relief. These statements are not mere guesses or assumptions – but these are substantiated claims that present themselves by review of the record. If the recusal process itself isn’t conducted in the manner set forth in the Texas Rules of Civil Procedure, and the requirements of

18a become optional, it would defeat the purpose of the rule and give way to situations like the one being litigated here where orders are being issued on motions that were never filed. *Exhibit B*

2. Issuing a stay will prevent ongoing and irreparable harm

As of today, May 20, 2025, the Relator exists in the local Library, spending his days studying, as the date in which he requested emergency relief in the 25-0361 case has lapsed, and the temporary housing arrangements available to him have expired. This means that despite being a fit parent subjected to the circumstances of these matters, he no longer has a place to offer his children a somewhat stable environment during the pendency of these matters, and their relationship will continue to deteriorate at an even faster rate. These are not merely claims at this juncture, and the recusal proceedings give us insight into a crucial overlap that gives credibility to the issues raised in case number 25-0361.

In both recusal proceedings, the Honorable Judges each stated that they would “take no further action” pending the determination of the motion by the Regional Presiding Judge. ([CR. 2586](#), p. 2627, [CR. 2591](#), p. 2632). This language is consistent with Rule 18a(f)(2)(A), which states that:

“[i]f a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record.”

The invocation of this rule directly contradicts the temporary orders issued on March 26, 2024, signed by only the opposing party on March 14, 2024, which states the following on page 1 of the orders:

“The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties.” ([CR. 863](#), p. 904)

By agreeing to take no further action in the case, Hon. Kaitcer agrees with the Relator’s claim that the court never heard any evidence which has been repeated numerous times throughout the case. ([CR. 123](#), p. 164) ([CR. 146](#), p. 187) ([CR. 223](#), p. 264) ([CR. 739](#), p. 780) ([CR. 763](#), p. 804) ([CR. 933](#), p. 974) ([CR. 1315](#), p. 1356) ([CR. 1351](#), p. 1392) ([CR. 1619](#), p. 1660) ([CR. 1781](#), p. 1822) ([CR. 2068](#), p. 2109) ([CR. 2167](#), p. 2208) ([CR. 2169](#), p. 2210) ([CR. 2617](#), p. 2658). Issuing a stay would suspend these orders, end the irreparable harm, restore the Relator’s fundamental rights, and would serve the best interests of his children.

3. Issuing a stay upholds the State’s policy pursuant to 153.001 of the Texas Family Code

The situation at hand cannot be reconciled with Texas law. Prior to state intervention, the children named in this suit had continuous and frequent access to both parents who were able to act in their best interests, were provided with a safe and stable environment from both parents, and both parents shared in the duties of

raising their children. Now, the orders that have been in effect for a year have stripped the children of their relationship with their father, have rendered the Relator homeless and unable to provide a stable environment, and have had chaos introduced into their daily lives. These claims have been repeatedly stated throughout this matter, and neither the opposing party nor the tribunal has raised any rebuttal or reason supporting the current situation. Issuing this emergency stay would restore these fundamental rights and realign the case with the State's policy pursuant to Tex. Fam. Code 153.001.

V. CONCLUSION

With four Honorable Respondent judges named across four concurrent mandamus petitions now pending before this Honorable Court, no response or opposition has yet been provided. The Relator continues to seek redress—alone—amid a sustained and procedurally irregular situation that has no foundation in Texas law. Absent timely intervention, the pattern of error will persist, irreparable harm will deepen, and public confidence in the judicial process will further erode. The Relator has not lost confidence in this process, which is why he persists. There is only one solution to this matter: provide the un-opposed relief that at a minimum creates no risk of harm to any party, restores the Relator's fundamental rights, vindicates his efforts, and most importantly is the lawfully accurate decision to make given the totality of circumstances now fully before this Court.

Relator notes that under Tex. R. App. P. 52.4, the Court can grant the relief requested below without a response and has the discretion to, on its own initiative or by motion, grant any just relief pending resolution of the petition. Given the ongoing nature of the harm, the Relator respectfully urges the Court to exercise its authority under Rule 52.10(b) to grant appropriate temporary relief.

VI. PRAYER FOR EXPEDITED RELIEF

WHEREFORE ALL PREMISES CONSIDERED, the Relator, CHARLES DUSTIN MYERS, respectfully requests the following expedited relief from this Honorable Court:

- 1.** Immediately stay all proceedings in the underlying trial court pending resolution of this original proceeding, including all orders issued in cause number 322-744263-23;
- 2.** Take judicial notice of the ongoing pattern of procedural irregularities and compounding legal error;
- 3.** Grant such further relief as justice may require.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Relator, Pro Se
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Watauga, TX 76148
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817-546-3693

CERTIFICATE OF COMPLIANCE

Pursuant to Tex. R. App. P. 52.10(a), the undersigned hereby certifies that he has made a diligent effort to notify all parties in this proceeding by expedited means that a motion for temporary relief has been or will be filed with this Honorable Court. Notice was provided via email to opposing counsel and relevant court personnel on March 20, 2025, and a copy of that notification is available upon request or will be included in the record.

This certificate is submitted to satisfy the requirement for the Court to consider granting temporary relief pending final disposition of the petition.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Relator, Pro Se

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

I certify that this Emergency Motion to Stay complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 2403 words.

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

A

CAUSE NO. 322-744263-23

**IN THE MATTER OF THE
MARRIAGE OF**

**MORGAN MICHELE MYERS
AND
CHARLES DUSTIN MYERS**

**AND IN THE INTEREST OF M██████████
M██████████ AND C██████████ M██████████,
MINOR CHILDREN**

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322nd JUDICIAL DISTRICT

ORDER SUMMARILY DENYING MOTION FOR RECUSAL

Before me is an Order of Referral from the Honorable James B. Munford signed April 29, 2025, referring a Motion to Recuse and First Amended Motion to Recuse filed by Charles Dustin Myers in the above-referenced matter.

After reviewing the motion and amended motion, I find that the motion and amended motion are based solely on the judge's rulings in the case under Tex. R. Civ. P. 18a (a) (3), and, even assuming they are not, the motions fail to state with detail and particularity facts that are within the affiant's personal knowledge, or on information and belief, that would be admissible in evidence and that, if proven, would be sufficient to justify recusal of Judge Munford on any ground specified in Tex. R. Civ. P. 18b (b), as required by Tex. R. Civ. P. 18a (a)(4).

THEREFORE, having concluded that the motion and amended motion seeking to recuse Judge Munford fail to comply with Tex. R. Civ. P. 18a (a), I summarily deny the motions in this matter, without a hearing, pursuant to Tex. R. Civ. P. 18a (g)(3)(A).

SIGNED this 19th day of May, 2025.

Senior Chief Justice John H. Cayce
Sitting by Assignment

B

CAUSE NO. 322-744263-23

**IN THE MATTER OF THE
MARRIAGE OF**

**MORGAN MICHELE MYERS
AND
CHARLES DUSTIN MYERS**

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

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322nd JUDICIAL DISTRICT

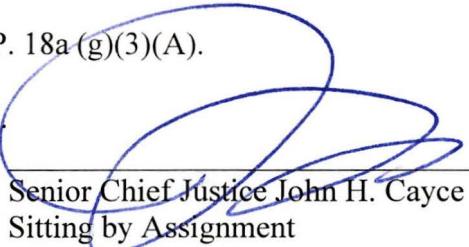
ORDER SUMMARILY DENYING MOTION FOR RECUSAL

Before me is an Order of Referral from the Honorable Jeffrey N. Kaitcer signed April 29, 2025, referring a Motion to Recuse and First Amended Motion to Recuse filed by Charles Dustin Myers in the above-referenced matter.

After reviewing the motion and amended motion, as well as the Objection to Order of Assignment dated May 6, 2025 in which the movant claims that he did not file a motion to recuse Associate Judge Kaitcer, I find that, based on the substance of said motions and movant's own admission that he is not seeking to recuse Associate Judge Kaitcer, the referred motion and amended motion do not comply with Tex. R. Civ. P. 18a (a).

THEREFORE, having concluded that the motion and amended motion referred by Judge Kaitcer do not comply with Tex. R. Civ. P. 18a (a), I summarily deny the motions in this matter, without a hearing, pursuant to Tex. R. Civ. P. 18a (g)(3)(A).

SIGNED this 19th day of May, 2025,


Senior Chief Justice John H. Cayce
Sitting by Assignment

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