

**DKT (245)**



## **MOTION TO ENTER JUDGMENT**

**FILED ON: 11/11/2024**

**FEE: \$0.00**

**FILER/REQUESTOR: CHARLES DUSTIN MYERS**

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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# MOTION TO ENTER JUDGEMENT

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

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Tarrant County, Texas

IN REGARD TO:

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JOINT MOTION TO RECUSE

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TO BE PRESIDED BY JUSTICE LEE GABRIEL

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## I. TEXAS PRESCEDENT REGARDING RECUSAL

1. In Texas, courts operate under a foundational presumption of impartiality. However, this presumption can be overcome if a movant presents compelling evidence of bias that fundamentally threatens due process. The Texas Court of Appeals has emphasized this requirement: bias must be so severe that it denies the movant a fair and impartial hearing. *In Interest of E.R.C.*, 496 S.W.3d 270, 280 (Tex. App.—Texarkana 2016, pet. denied); *Ex parte Ellis*, 275 S.W.3d 109, 117 (Tex. App.—Austin 2008, no pet.). Simply put, due process mandates that all parties are heard by a neutral, detached judge. *Brumit v. State*, 206 S.W.3d 639, 644-45 (Tex. Crim. App. 2006). This is not just a procedural necessity; it's enshrined in both the U.S. Constitution and the Texas Constitution.

2. Texas courts use the "reasonable person" test to determine whether recusal is appropriate: Would a well-informed, impartial observer reasonably question the judge's impartiality based on the known facts? *Hansen v. JP Morgan Chase Bank, N.A.*, 346 S.W.3d 769, 776 (Tex. App.—Dallas 2011, no pet.) (quoting *Sears v. Olivarez*, 28 S.W.3d 611, 615 (Tex. App.-Corpus Christi 2000, order) (en banc) (internal quotations and citations omitted)). If the answer is yes, recusal is warranted. In this case, numerous procedural missteps and decisions have seriously jeopardized the perception of fairness. Texas precedent, therefore, supports a careful review to uphold the judicial integrity required by law.

4. Without evidence admitted in this matter, and without any findings on behalf of the tribunal, the court chose to sever the parent-child relationship for one parent due to false claims made by another prior to being afforded an opportunity to present his case.

## **II. ARGUMENT**

This case exemplifies a serious violation of core due process principles, particularly in the failure of the 322nd District Court of Tarrant County as a whole to substantiate its rulings with factual findings or evidentiary support. Such ungrounded decisions have resulted in substantial harm, indicating a concerning bias that jeopardizes a fair resolution. This bias has disrupted the parent-child relationship by unjustly favoring one parent, despite indications that this party has prioritized personal interests over the children's welfare, while penalizing the other without lawful basis.

Without any factual or legal justification for these decisions, the only reasonable inference is an underlying bias, likely fueled by either fraudulent pleadings submitted by the Petitioner or an extrajudicial influence not in the record. These circumstances call for recusal to restore impartiality and procedural integrity. The judges' actions contravene their duties under the Texas Code of Judicial Conduct, disregarding fundamental protections enshrined in both the U.S. Constitution and Texas law. Given these considerations, Respondent CHARLES DUSTIN MYERS respectfully requests that the Court grant the Joint Motion to Recuse and, in the interest of judicial economy, issue judgment without a hearing if the opposing party does not respond by a designated date deemed appropriate by the court. The Respondent further seeks pre-admission of uncontested evidence relevant to this motion to assist the Court's determination.

Given the questionable handling of the case, the original Joint Motion to Recuse has been concurrently attached as a separate lead document, fully hyperlinked for convenience.

### **III. Performing the Duties of Judicial Office Impartially and Diligently**

1. There are three prongs present within Canon 3 of the Texas Rules of Judicial Conduct. All three prongs, in general, “take precedence over all the judge's other activities”, and each set forth standards to be followed in during the performance of such duties.<sup>1</sup> The issue is whether District Judge James Munford and Associate Judge Jeffrey Kaitcer should be recused. The rules and analysis of how they were applied in this case can only lead a reasonable fact finder to conclude that their recusal is warranted.

#### **A. PRONG 1 – ADJUDICATIVE DUTIES**

2. The first prong is the adjudicative standard outlined in Canon 3(B) of the Texas Code of Judicial Conduct. Paragraph 2 requires that “[a] judge should be faithful to the law and shall maintain professional competence in it,” and specifies that “[a] judge shall not be swayed by partisan interests, public clamor, or fear of criticism.” Additionally, Paragraph 5 mandates that a judge “perform judicial duties without bias or prejudice,” while Paragraph 8 ensures that “[a] judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.” Further, Paragraph 9 sets the standard that “[a] judge should dispose of all judicial matters promptly, efficiently and fairly.” All of these paragraphs are directly relevant and can be applied in the determination of recusal.

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<sup>1</sup> Tex. Code Jud. Conduct Canon 3(A)

**B. PRONG 2 – ADMINISTRATIVE DUTIES**

3. Standards for a judge's administrative responsibilities are outlined under Canon 3(C) of the Texas Code of Judicial Conduct. Paragraph 1 requires that “[a] judge should diligently and promptly discharge the judge's administrative responsibilities without bias or prejudice, maintain professional competence in judicial administration, and cooperate with other judges and court officials in the administration of court business.”

Additionally, paragraph 2 mandates that a judge must ensure that “staff, court officials, and others subject to the judge's direction and control observe the standards of fidelity and diligence that apply to the judge and refrain from manifesting bias or prejudice in the performance of their official duties.” These standards are critical to the recusal motion because they underscore the judge's obligation not only to maintain impartiality in personal actions but also to actively prevent bias or prejudice in all court operations under their oversight.

**C. PRONG 3 – DISCIPLINARY DUTIES**

4. Canon 3(D) of the Texas Code of Judicial Conduct outlines a judge's disciplinary responsibilities, which directly relate to maintaining the ethical integrity of the judicial process. Paragraph 1 requires that if a judge has clear information that another judge has violated the Code, they must take appropriate action. When the violation raises substantial concerns about the other judge's fitness for office, the judge is obligated to inform the State Commission on Judicial Conduct or take other suitable measures. Similarly, Paragraph 2 mandates that a judge who learns of a lawyer's serious

breach of the Texas Disciplinary Rules of Professional Conduct—especially one that questions the lawyer's honesty, trustworthiness, or overall fitness—must report the violation to the Office of the General Counsel of the State Bar of Texas or take other appropriate action. These disciplinary obligations are highly relevant to the recusal motion. The standards reinforce a judge's duty to uphold ethical conduct across all roles in the judicial system, ensuring that neither judicial nor legal misconduct goes unaddressed. In cases where bias, impropriety, or ethical breaches by a presiding judge are evident, the principles in Canon 3(D) underscore the necessity of recusal to protect the integrity of the proceedings and maintain the judiciary's credibility in the eyes of the public.

5. Notwithstanding the reasons set forth in the joint motion to recuse, the additional facts explained below show an intentional effort to deprive the Respondent access to justice after he has exhausted all other State remedies, and one needs to look no further than how the joint recusal motion was handled to highlight this effort showcasing the appearance of impartiality, which warrants recusal.

#### **D. THE TEXAS RULES OF CIVIL PROCEDURE**

6. Pursuant to the Texas Rules of Civil Procedure 18(a)(f), the Respondent judges have two options once a motion to recuse is filed. 1) the judge can file with the clerk an order of recusal or disqualification, or 2) the judge can sign and file with the clerk an order referring the motion to the regional presiding judge.

7. Rather than filing the orders of referral with the clerk of the court, they were forwarded from the court coordinator via email, Lindsey Baker, without the required certificate of service and remain inaccessible through the Texas Supreme Court approved electronic filing manager, re:Search Texas.

8. The original motion was altered and did not contain the affidavit or exhibits vital to the motion. This fact was promptly pointed out in *Exhibit 1*, where the file size difference can be seen from the email attachments. **Click for reference.**

9. Lindsey Baker then confirmed that the exhibits and affidavits had been forwarded. The file size difference was then pointed out in the last correspondence chain found within *Exhibit 1*, to which an amended order of referral followed, and the reasons given for the modification of the original motion changed due to the motion's length, thereby justifying the modification of the original motion into three parts. See *Exhibit 2*.

**Click for reference.**

10. Given that the very purpose of re:Search Texas is to streamline the process of service and case management, it raises the question as to why the court would choose to utilize the platform up until the joint motion to recuse was filed. Further, the Frequently Asked Questions found within the District Clerk's website for electronic filing specifically reiterate that exhibits should be merged into one document with the lead document, and that the file size limit is 35mb. Given that the Respondent's original joint motion to recuse was well under the maximum size of 35mb, and the joint motion was filed as one document as the clerk prefers – why was it modified and served outside of

the requirements of Rule 21a of the Texas Rules of Civil Procedure? These facts were highlighted in the Respondent's formal objection filed and served on all parties through the EFM on October 10, 2024, and is attached hereto as *Exhibit 3*, and remains undocketed at the time of filing this motion. **Click for reference.**

11. Finally, contradicting everything above, Judge Jeff Kaitcer's order of referral was properly served through the EFM as one document, with the affidavit and all exhibits attached as one motion, but is albeit missing from the electronic case docket.

12. All undocketed filings that have been accepted by the court but remain missing from the re:Search Texas platform or that have been served to the respondent and are missing from the re:Search Texas platform have been attached hereto as *Exhibit 4*. **Click for reference.**

#### **E. APPLICATION OF CANON 3 AND REMEDIAL ACTION**

13. The actions of Judges Munford and Judge Kaitcer demonstrate a clear departure from the standards of impartiality and integrity mandated by Canon 3 of the *Texas Code of Judicial Conduct*. The facts before this court reveal a pattern of procedural inconsistencies and biased decision-making that stem, in large part, from the Petitioner's misleading tactics—an influence that both judges have inadvertently allowed to impact their rulings. Even though such information may have been obtained during the proceedings, that information was kept private and never disclosed or entered into the record, leaving an appearance of impartiality without findings, which is enough to warrant recusal. See *Rogers v. Bradley*, 909 S.W.2d 872, 873 (Tex. 1995) ("Declaration of Recusal" by

Gammage, J.) (noting that issue is one of perception). “[B]eyond the demand that a judge be impartial is the requirement that judge appear to be impartial so that no doubts or suspicions exist as to the fairness or integrity of the court.”; see also *Sears v. Olivarez*, 28 S.W.3d 611, 613–14 (Tex.App.-Corpus Christi 2000, no pet.). The facts outlined above raise serious doubts to these requirements.

14. Under **Canon 3(B)**, judges are required to adjudicate based on impartiality and factual accuracy. However, the judges’ failure to critically assess the Petitioner’s narrative of hardship, coupled with improper handling of filings, has resulted in decisions that lack factual support and undermine the Respondent’s rights to a fair hearing. This court now has the opportunity to address this lapse by recusing the judges and ensuring the case is overseen with genuine impartiality.

15. **Canon 3(C)** underscores the judges’ responsibility to administer the court’s operations consistently and transparently. The irregular handling of critical filings—orders forwarded without proper certificates of service, mismanagement within the EFM system, and discrepancies in access demonstrate a failure in maintaining the procedural integrity essential to a fair process. These administrative oversights have obstructed the Respondent’s access to justice, and this court now has both the facts and the authority to remedy this.

16. Finally, **Canon 3(D)** obligates this court to take appropriate action if it is established that a violation has occurred within the code. The Respondent believes that the violation is merely a product of relying on fraudulent pleadings by the Petitioner

mixed with permitting a likely unauthorized attorney to prosecute the case and does not reflect on either Judge Munford or Judge Kaitcer's overall fitness for office.

#### **F. A CLOSER LOOK AT CANON 3(D)(2)**

17. A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action.

18. To assist in this determination, notwithstanding the current challenge to Ms. Carter's authority, one needs to look no further than the current temporary orders in place, which is attached as *Exhibit I* in the original joint motion to recuse filed on October 7, 2024.

19. On page 1, the orders read: "On February 1, 2024, the Court heard Petitioner's motion for temporary orders." A review of the record will show that no motion for temporary orders has been served to the Respondent in this matter, no notice of hearing was served to the parties regarding such a motion, and no hearing ever occurred regarding this motion.

20. The orders move on to state that both parties "appeared by counsel and announced ready" and "signed an agreed associate judge's report" when in fact, both parties appeared, but were rushed into a settlement agreement by the Respondent's prior counsel due to his unwillingness to remain in the courthouse all day, leading to his termination. Steve Myers, a witness, was present in the conference room during this exchange. Neither party went before the judge on February 1<sup>st</sup>, 2024. See *Exhibit 6*.

21. The agreement, which can be found in *Exhibit E* in the original joint motion to recuse, had the following provisions at the bottom of page 5 of the agreement:

“A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Bacalis. Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.”

22. Given that an agreement was clearly not reached, the orders were reduced to writing well beyond the 20 day requirement, the orders were not prepared by Dan Bacalis, no motion to sign was filed, and the Respondent was not given 5 days to review the orders, it calls into question as to how they were permitted to be rendered despite lacking the Respondent’s signature and despite being served to him immediately prior to a hearing scheduled to challenge their legal foundation.

23. Notwithstanding the above, the mere fact that the orders state “[t]he parties have agreed to the terms of this order as evidenced by the signatures below.” and no signature from the Respondent is present showcases a pre-determined outcome, and a one-sided favoritism that warrants recusal.

24. Finally, and most concerning, is the fact that Judge Jeff Kaitcer affixed his signature to this document which states that “[t]he 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.”

25. The foregoing statement can't possibly be true for two reasons. 1) No evidence has been admitted into this case, and no argument from counsel was presented – only objections without foundation. 2) The associate judge could not have possibly examined the record, because it is apparent that consent was not present at the time of rendition, and the directives he ordered within the agreement were not followed.

26. Expanding on point 2 above, the associate judge could not possibly have examined the record because in the original answer to the protective order filed by the Respondent, he claimed duress as an affirmative defense alongside fraud and illegality.

*See Exhibit 7.*

27. There can be no claim of duress unless the following elements are present: (1) a threat or action taken without legal justification; (2) the threat or action was of such a character as to destroy the other party's free agency; (3) the threat or action overcame the opposing party's free will, causing them to do something they would not otherwise have done and were not legally bound to do; (4) the restraint was imminent; and (5) the opposing party had no present means of protection (*McMahan v. Greenwood*, 108 S.W.3d 467, 482 (Tex.App.-Houston [14th Dist.] 2003, pet. denied)).

28. The Petitioner's actions—including seeking an emergency ex parte order, initiating an eviction, filing for divorce, and pursuing an additional protective order—occurred within an 8-day span, representing actions taken without legal justification.

29. These actions threatened the Respondent's livelihood by removing him from the residence he needed to provide for his children, as well as from the home where his children had been raised with their father. This threat materialized on January 16, 2024, when the Respondent was ordered to vacate the residence without justification.

30. These actions forced the Respondent to sign an agreement he would not have otherwise accepted. This agreement allowed him to return to the residence but involved conditions that removed his children from their home and was under no legal obligation to settle given the circumstances of the case and the baselessness of the claims made against him.

31. If the Respondent did not sign, he would have faced no alternative other than continued exclusion from his residence and further impairment of his ability to provide for his children. This threat was imminent.

32. The Respondent's counsel advised him to sign the agreement instead of proceeding to a hearing, leaving him without a viable means of protection at that time.

33. All elements of duress were present when the Respondent signed the agreement. Judge Kaitcer and Ms. Carter were aware that consent was not present when

the orders were rendered yet were entered regardless. This disregard for procedural fairness and apparent partiality underscores the need for recusal.

34. Finally, Ms. Carter signed a pleading containing false statements, in violation of Rule 4.01(a) of the Texas Rules of Disciplinary Conduct. She claimed that the Respondent agreed to the orders, that they were based on a hearing that never occurred, and referenced a motion never served to the Respondent. This court should address these actions in accordance with Canon 3(D)(2) of the Texas Code of Judicial Conduct.

## **G. FINAL THOUGHTS**

35. According to Tex. R. Civ. P. 21(d)(a)(1), a "court proceeding" includes any appearance before the court, such as a hearing or trial. Per Tex. R. Civ. P. 21(a), every pleading, plea, motion, or application to the court for an order—whether presented as a motion, plea, or other request—must be filed with the court clerk in writing, state the grounds, and be noted on the docket unless presented during a hearing or trial.

36. Should this matter proceed to a hearing, the court must adhere to the Texas Rules of Civil Procedure, including docketing all missing items listed in *Exhibit 4* and following the service requirements in Rule 21a when scheduling the hearing. Informal notices via email only obscure the opportunity for an appeal and fail to comply with Texas Civil Procedure. The court cannot continue to overlook its duty to correct these oversights, nor can it ignore the law to uphold decisions lacking any legal justification.

37. It is deeply troubling that the Respondent, a self-represented litigant, must underscore basic procedural requirements to ensure adherence to standard rules, while the Petitioner's attorney has repeatedly disregarded these processes by raising objections in proceedings yet remains silent in the record. This absence of accountability raises questions about the attorney's commitment to ethical standards and procedural integrity, and it is perplexing that any reviewing judge could ignore the severity of the issues documented in this brief.

38. It remains unanswered how a citizen of this state can be removed from his home and stripped of custody of his children based solely on unproven accusations by the other parent, without the opportunity to defend himself. Our society—and especially our children—should not be subjected to this level of disregard by elected officials.

39. When such actions come from a vindictive parent willing to falsify their financial status and weave a false narrative for protection, the court should take appropriate action to prevent such deceptive actions from occurring in the future, and should surely be a factor in determining their fitness as a parent.

#### **IV. CONCLUSION**

Recusing Judges Munford and Kaitcer is the first step to restore the Respondent's rights as all other state remedies have been exhausted. These are essential first steps this court can now take. These actions will not only uphold Canon 3(D)'s standards but will also correct procedural injustices, ensuring that the case can proceed in alignment with

the highest principles of fairness and impartiality. Such measures will allow new judges to enter the case for a review the facts unobscured by the intentional deceptions that have compromised these proceedings, ultimately protecting the children's best interests as mandated by the *Texas Family Code*.

Given the court's decision to stop docketing pleadings at the time the recusal motion was filed, along with its handling of the matter outside established legal standards, any reasonable member of the public, fully informed of the facts, would reasonably question whether the judges were acting impartially in this case.

Such impartiality has rewarded a mother that has fabricated not only her financial status to this court, but also a false need for protection that should be taken as serious violations that are apparent from the face of her pleadings. To continuously deprive a parent of his constitutionally protected rights to his children and residency despite being given every opportunity to correct the situation showcases a blatant refusal by the current judges to either fix the situation or provide legal justification for their decisions.

Without a factual basis or explanation for the court's decisions, they must be recused so that the truth of the matter may be addressed after ten wasted months. The court must not tolerate the levels of deception and fraud committed by the Petitioner, and the Respondent reiterates that despite the egregious acts taken against him in totality, he holds no ill will toward any participant in this matter, and solely seeks a just and swift resolution for the sake of his children.

## V. PRAYER

**The respondent respectfully requests the following relief from this court:**

1. Immediately recuse both judge James Munford and Jeff Kaitcer from this matter by a date deemed appropriate by the court should no response be filed from the opposing party in opposition to the relief requested herein.
2. Require that the clerk of the court docket the missing documents in accordance with the Texas Rules of Civil Procedure 21a found in *Exhibit 4*.**Click for reference.**
3. Take judicial notice of the Petitioner's deception by examining her pleadings and the effects it has had on the case.
4. Take judicial notice of the effort put forth by the Respondent to correct this situation and the lack thereof from the opposing party.
5. Pre-admit all exhibits attached hereto, and all exhibits found within the original Joint Motion to Recuse, attached to this envelope as a separate lead document to prevent confusion when referencing exhibits.
6. Adopt the Respondent's First Amended Motion for Temporary Orders attached hereto as *Exhibit 5* and take judicial notice of the Respondent's parenting plan, attached as *Exhibit L* in the original joint motion to recuse and admit both into evidence.

7. Award any other extraordinary relief deemed appropriate and necessary by the court given the circumstances presented.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
Pro-se  
817-507-6562  
[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)

## AFFIDAVIT OF CHARLES MYERS

### STATE OF TEXAS COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Charles Dustin Myers, who, after being duly sworn, did depose and state as follows:

#### **1. Introduction and Background**

My name is Charles Dustin Myers, and I am the Respondent in the case 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, currently pending in the 322nd District Court of Tarrant County, Texas. I am above 18 years of age, competent to make this affidavit, and have personal knowledge of the facts stated herein, which are true and correct.

#### **2. Procedural Violations and Due Process Concerns**

Since the initiation of this case, I have encountered numerous procedural irregularities that have obstructed my right to a fair hearing. I was removed from my residence and separated from my children on January 16, 2024, based solely on allegations made by the Petitioner, without any evidentiary findings or an opportunity to defend myself in a formal hearing. This deprivation of my rights was executed without adherence to the foundational principles of due process.

#### **3. Duress in Signing the February 1, 2024, Agreement**

On February 1, 2024, I was compelled to sign an agreement that I did not fully

understand nor agree with. This agreement allowed me limited access back into my residence but resulted in the removal of my children from their home. My decision to sign was made under duress, as I was advised by my attorney to accept these terms rather than proceed to a hearing, due to the potential of further exclusion from my home and livelihood. I felt I had no other viable option to safeguard my ability to continue providing for my children.

#### **4. Bias and Lack of Impartiality**

I have serious concerns regarding the impartiality of Judges Munford and Kaitcer, as the procedural management of this case has shown a consistent disregard for my rights. My filings and objections have been met with resistance and have often been undocketed or handled irregularly, while the Petitioner's pleadings have proceeded unchecked, despite containing misleading and unsubstantiated claims.

This pattern of favoritism and procedural leniency towards the Petitioner has compromised the integrity of these proceedings.

#### **5. Misrepresentation and Lack of Consent in Orders**

The current orders on record falsely state that both parties appeared before the court on February 1, 2024, announced readiness, and signed an agreed associate judge's report. In reality, there was no formal hearing or review of evidence on that date, and I did not give my consent to the terms as recorded. Furthermore, the orders assert that necessary legal prerequisites were met, when, in fact, no such procedural steps were observed. These inaccuracies directly impact my rights and the fairness of these proceedings.

## **6. Unethical Conduct and Professional Misconduct**

The Petitioner's counsel, Ms. Carter, signed and submitted pleadings containing false statements, misrepresenting my consent to the orders and claiming that a hearing had occurred when it had not. This conduct violates Rule 4.01(a) of the Texas Rules of Disciplinary Conduct and Canon 3(D)(2) of the Texas Code of Judicial Conduct. Such behavior not only misleads the court but also deprives me of a fair and just resolution.

## **7. Need for Recusal**

Given these procedural irregularities, false representations, and lack of impartiality demonstrated by Judges Munford and Kaitcer, I respectfully request their recusal from this case. Their actions and the management of this case have created an appearance of partiality, depriving me of my right to due process and casting doubt on the integrity of these proceedings.

## **8. Request for Judicial Review and Corrective Action**

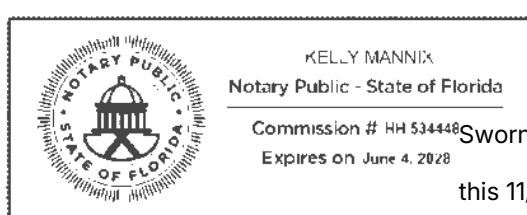
I request that this court take immediate action to address the procedural oversights, docket missing filings as per Texas Rules of Civil Procedure, and ensure an impartial review of the facts in this case. I seek a fair hearing, free from bias, where the truth can be assessed without obstruction. In the interest of justice, I also urge the court to examine the Petitioner's documented misrepresentations and their impact on the well-being of my children, M.E.M. and C.R.M.

## 9. Conclusion

This affidavit is submitted with sincere intent to restore fairness and procedural integrity to these proceedings, not out of malice or animosity toward any individual involved. My only goal is to reach a resolution that genuinely considers the best interests of my children and respects my constitutional rights as a parent.

I declare under penalty of perjury that the foregoing is true and correct.

*Charles Dustin Myers*  
 X \_\_\_\_\_ 11/10/2024  
 CHARLES DUSTIN MYERS  
 817-507-6562  
CHUCKDUSTIN12@GMAIL.COM  
 PRO-SE



State of Florida

County of Duval

Sworn to (or affirmed) and subscribed before me by means of online notarization,  
 this 11/10/2024 by Charles Dustin Myers.

*Kelly Mannix*  
 Kelly Mannix

Personally Known OR  Produced Identification

Type of Identification Produced DL

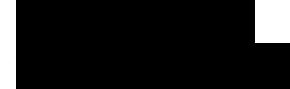
## CERTIFICATE OF SERVICE

Respondent, CHARLES DUSTIN MYERS, certifies that a true copy of this trial brief and all exhibits were served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **11/11/24**:

**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](mailto:914-filer@texas.oag.gov)

*/s/ Charles Dustin Myers*  
Charles Dustin Myers  
Chuckdustin12@gmail.com  
  
Tel: 1-817-507-6562  
Pro-se

# **EXHIBIT 1**

**Initial Referral Discrepancies**



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

**Myers 322-744263-23**

4 messages

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

Tue, Oct 8, 2024 at 4:42 PM

To: Charlie Vids &lt;chuckdustin12@gmail.com&gt;, Cooper Carter &lt;coopercarter@majadmin.com&gt;, "CSD-legal-914@oag.texas.gov" &lt;csd-legal-914@oag.texas.gov&gt;

Attached for your records please find correspondence from Judge Munford to Judge Evans and an Order of Referral.

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

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**2 attachments**

Correspondence.pdf  
33K

Myers-Order of Referral.pdf  
1096K

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**Charlie Vids** <chuckdustin12@gmail.com>  
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Tue, Oct 8, 2024 at 6:29 PM

Dear Lindsay Baker,

I hope this email finds you well. I am writing to inform you that my Motion to Recuse, referenced in your message, may have been forwarded without the attached exhibits and affidavits that are critical to the motion.

The exhibits and affidavits provide necessary evidence and support for my claims, and it is important that the court has access to the full record. Could you please confirm whether these documents were received with my motion? It raises further concern that they are missing.

Please let me know the appropriate process to ensure that these documents are added to the court's record. Thank you

**M.1352**  
our attention to this matter.

**M.1352**

I have attached a copy that was submitted and is available for download via the re-search Texas platform, which differs from the document attached in your prior email as it does not contain the relevant exhibits.

Please inform as soon as possible.

Best regards,

Charles Myers  
[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)  
[Quoted text hidden]

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 **JOINT MOTION TO RECUSE (8).pdf**  
19741K

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Lindsey K. Baker <LKBaker@tarrantcountytexas.gov>  
To: Charlie Vids <chuckdustin12@gmail.com>

Tue, Oct 8, 2024 at 10:43 P

The exhibits were e-filed and are included in the Courts file.

If you received a Notice of Dismissal, you **MUST** file a Motion to Retain. The Motion **MUST** be **SET, HEARD** and concluded with a **SIGNED ORDER TO RETAIN**.

**DO NOT EMAIL ME FOR A SETTING REGARDING THE DWOP.**

**YOU MUST APPEAR IN PERSON TO SET THE HEARING.**

**All Orders that require the Judge's signature must be presented in person and will not be processed through e-filing.**

*Lindsey Baker*

322<sup>nd</sup> Court Coordinator

Tarrant County Family Law Center

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

**M.1353**  
Fort Worth, Texas 76196

**M.1353**

**From:** Charlie Vids <[chuckdustin12@gmail.com](mailto:chuckdustin12@gmail.com)>  
**Sent:** Tuesday, October 8, 2024 6:29 PM  
**To:** Lindsey K. Baker <[LKBaker@tarrantcountytx.gov](mailto:LKBaker@tarrantcountytx.gov)>  
**Subject:** Re: Myers 322-744263-23

**EXTERNAL EMAIL ALERT! Think Before You Click!**

[Quoted text hidden]

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**Charlie Vids** <[chuckdustin12@gmail.com](mailto:chuckdustin12@gmail.com)>  
To: "Lindsey K. Baker" <[LKBaker@tarrantcountytx.gov](mailto:LKBaker@tarrantcountytx.gov)>

Wed, Oct 9, 2024 at 12:06 AM

Dear Ms. Baker,

Thank you for your response, and would just ask for some clarification on a couple of things.

There are noticeable discrepancies between the file I submitted, accepted and available on the reSearchTX platform versus what appears in the court's receipt to the Regional Judge. My original submission was 20.21 MB, while the version in the courts email is 423 KB. Additionally, my receipt provides no indication that the exhibits were filed alongside the motion, particularly the affidavit, which is referenced in the table of contents.

The document I submitted was also hyperlinked, but those links are missing in the court's receipt.

Could you please clarify which court system the file is currently in and explain for what purpose the file was modified to appear as if it were an unverified motion?

I would appreciate your prompt attention to this matter at your earliest convenience.

Best regards,

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

[Quoted text hidden]

# **EXHIBIT 2**

**The Amended Referrals**



Charlie Vids <chuckdustin12@gmail.com>

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**FW: Myers 322-744263-23**

1 message

Lindsey K. Baker <LKBaker@tarrantcountytexas.gov>

Wed, Oct 9, 2024 at 12:18 PM

To: Charlie Vids <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>

Attached is correspondence from Judge Munford to Judge Evans and an Amended Order of Referral.

Due to the length of the Joint Motion to Recusal, it is being sent as three attachments.

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

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**From:** Lindsey K. Baker  
**Sent:** Wednesday, October 9, 2024 12:17 PM  
**To:** Tracy Kemp <[THKemp@tarrantcountytexas.gov](mailto:THKemp@tarrantcountytexas.gov)>  
**Subject:** Myers 322-744263-23

Dear Ms. Kemp:

Attached is correspondence from Judge Munford and an Amended Order of Referral.

Due to the length of the Joint Motion to Recusal, it is being sent as three attachments.

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

**3 attachments**

 [Myers-Part 1.pdf](#)  
2688K

 [Myers-Part 2.pdf](#)  
2594K

 [Myers-Part 3.pdf](#)  
2496K

# EXHIBIT 3

Formal Objection and  
Request to Docket

322-744263-23

FILED  
TARRANT COUNTY  
10/10/2024 12:54 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**NO. 24-0395**

**NO. \_\_\_\_ SW3d \_\_\_\_, 04-10-24**

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

Morgan Michelle Myers v Charles Dustin Myers

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# **OBJECTION**

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Proceedings arising from the 322<sup>nd</sup> District Court

-&-

On Petition for Writ of Mandamus from the Second Court of Appeals,

Tarrant County, Texas

-&-

In the Supreme Court of Texas,  
Austin.

NO. 322-744263-23

IN THE 322<sup>ND</sup> DISTRICT COURT OF TARRANT COUNTY, TEXAS

**IN THE MATTER  
OF THE MARRIAGE OF  
MORGAN MICHELLE MYERS  
AND CHARLES DUSTIN MYERS**

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

**OBJECTION AND REQUEST  
TO DOCKET**

Respondent respectfully objects to the handling of the case documents regarding the joint motion to recuse filed on October 7<sup>th</sup>, 2024 for the foregoing reasons:

**I. FAILURE TO DOCKET**

1. Respondent's motion to recuse has not been docketed on the research Texas platform. Metadata from the efile Texas platform shows the last docketed pleading to be the Respondent's Proposed Order on Rule 12 Motion (id # 7f9852d3f4205e0083d02b0536696131) See attached *Exhibit A*.
2. The correspondence to Regional Judge David Evans from District Judge James Munford has not been docketed.
3. The amended order of referral signed on October 9<sup>th</sup>, 2024, by District Judge James Munford has not been docketed.

4. The correspondence and order of referral to Regional Judge David Evans from Associate Judge Jeffrey Kaitcer signed October 10<sup>th</sup>, 2024, has not been docketed.

## II. RELEVANT COURT RULES

5. According to **Rule 25** and **Rule 26** of the Texas Rules of Civil Procedure, the clerk is required to maintain a **file docket** and a **court docket** that record all filings, motions, orders, and proceedings in a case. The failure to properly docket these documents violates these rules and further compromises the integrity of the case record.

## III. INCONSISTENT RESPONSES AND FAILURE TO FOLLOW PROTOCOL

6. The Respondent was initially informed via email that the exhibits and affidavits had been filed. However, after the Respondent pointed out discrepancies in file size, the explanation changed to the document being too large. This inconsistency raises concerns about transparency and procedural fairness. *Exhibit B*

7. As outlined in the [Tarrant County FAQ](#), Respondent's original submission of 20 MB was well within the 36 MB limit, and the Respondent followed all proper e-filing procedures. Despite this, the filing was forwarded to the regional judge without the exhibits and affidavits and later split into three sections due to the supposed size limit—yet the documents were never subsequently docketed.

## IV. THE ONLY RECEIPT CONTAINS THE INCORRECT PLEADINGS

8. Despite the emails sent to the Respondent from the court coordinator Lindsey Baker, there is no official receipt that the correct motion, as filed, was delivered to the regional judge from either respondent.

9. The motion as originally filed was modified for reasons that did not remain persistent. The reasoning given related to file size contradicts the FAQ from the Tarrant County District Clerk. If a separate system is used to forward these files to the Regional Judge, the Respondent respectfully requests that this be clarified given the severity of the situation.

### **CONCLUSION AND REQUEST**

Given the persistent inconsistencies, failure to properly docket the Respondent's filings, and the lack of transparency surrounding the handling of crucial case documents, Respondent Charles Dustin Myers formally objects to the actions of the 322nd District Court and requests immediate correction of the docketing failures. Furthermore, Respondent requests validation that the correct motions and accompanying exhibits were forwarded to the regional judge as originally filed. The files officially served to the Respondent via eFile do not contain the original joint motion. In light of these ongoing procedural issues, Respondent reserves the right to seek further remedies unless proper procedural requirements are followed to ensure equal protection under the United States Constitution.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)  
817-507-6562  
Pro-se

### CERTIFICATE OF SERVICE

Respondent certifies that a true copy of this objection/request was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **10/10/2024:**

**Cooper L. Carter (counsel for petitioner)**  
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

**Morgan Michelle Myers (petitioner)**  
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

**HOLLY HAYES (OAG)**  
By EMAIL/ESERVE at [CSD-Legal-914@oag.texas.gov](mailto:CSD-Legal-914@oag.texas.gov)

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
[REDACTED]  
[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)  
817-507-6562  
Pro-se



**CASE METADATA - RESEARCH TX AS OF  
10/10/24**

description	submitter_name	docketed
ORDER ON RULE 12 MOTION	CHARLES D MYERS	2024-09-20T15:31:19.923
RULE 12 MOTION TO SHOW AUTHORITY	CHARLES D MYERS	2024-09-20T15:31:19.923
Second Amended Counterpetition for Divorce	CHARLES D MYERS	2024-07-05T10:12:38.757
Objection to Title-IV Intervention	CHARLES D MYERS	2024-07-01T00:00:00
INTE	Officer Filer 914	2024-06-28T12:35:54.01
MOTION FOR JOINDER OF PERSONS NEEDED FOR JUS	CHARLES D MYERS	2024-06-24T00:00:00
Notice of Completion - Children in the Middle	CHARLES D MYERS	2024-04-30T23:19:08.233
Objection to Motion for Pre-trial Conference	CHARLES D MYERS	2024-04-24T17:13:59.06
MOTION FOR PRETRIAL CONFERENCE	Roderick D Marx	2024-04-24T09:58:31.463
FIRST AMENDED NOTICE OF FILING OF ORIGINAL PRO	CHARLES D MYERS	2024-04-04T13:40:56.46
NOTICE OF FILING ORIGINAL PROCEEDING AND MOTI	CHARLES D MYERS	2024-04-03T10:32:30.553
Request for Findings of Fact and Conclusions of Law	CHARLES D MYERS	2024-03-26T17:15:46.607
	Sherma Proctor Lucas	2024-03-26T15:19:25.047
	Sherma Proctor Lucas	2024-03-26T15:19:25.047
Second Amended Notice of Judicial Review	CHARLES D MYERS	2024-03-26T00:00:00
Request for Clerk to Prepare Record	CHARLES D MYERS	2024-03-26T00:00:00
First Amended Notice of Judicial Review	CHARLES D MYERS	2024-03-22T17:49:29.86
Notice of Judicial Review	CHARLES D MYERS	2024-03-21T10:47:25.967
Respondent's Required Initial Disclosures	CHARLES D MYERS	2024-03-04T14:15:00.67
Notice / Unsworn Declaration	CHARLES D MYERS	2024-03-04T00:00:00
	Cynthia Cotman	2024-02-27T12:33:14.78
Proposed Order for the Motion for Partial Summary Jud	CHARLES D MYERS	2024-02-22T11:23:08.213
Motion for Partial Summary Judgement	CHARLES D MYERS	2024-02-22T11:23:08.213
RESPONDENT'S ANSWER TO PETITIONER'S FIRST AME	CHARLES D MYERS	2024-02-14T23:02:22.3
ORD FOR W/D	Veronica Luna	2024-02-12T16:31:39.78
EMERGENCY MOTION TO RECONSIDER EVIDENCE AN	CHARLES D MYERS	2024-02-09T15:17:19.787
AGD ORD TO CONSOL	Veronica Luna	2024-02-08T14:29:20.003
AGD AJ REP	Veronica Luna	2024-02-08T14:29:20.003
Agreed Motion for Withdrawal of Attorney	Lindsey McNabb	2024-02-06T16:28:16.837
Notice of Change in Legal Representation in Case No. :	CHARLES D MYERS	2024-02-05T20:36:43.217
FIRST AMENDED PETITION FOR DIVORCE	Roderick D Marx	2024-01-31T17:08:20.873
First Amended Counterpetition for Divorce	Tammy Johnson	2024-01-31T14:51:39.407

**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.

Envelope ID: 93024186

Filing Code Description: Request

Filing Description:

Status as of 10/10/2024 2:21 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	10/10/2024 12:54:32 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	10/10/2024 12:54:32 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	10/10/2024 12:54:32 PM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	10/10/2024 12:54:32 PM	SENT