

DKT (230)



NOTICE

FILED ON: 10/09/2024

FEE: \$0.00

FILER/REQUESTOR: CHARLES DUSTIN MYERS

NO. 24-0395

NO. ____ SW3d ____, 04-10-24

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

Morgan Michelle Myers v Charles Dustin Myers

NOTICE

Proceedings arising from the 322nd 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 322ND 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**

NOTICE

Respondent submits this notice in good faith regarding the joint motion for recusal filed on October 7, 2024. Continuous procedural abnormalities continue to occur without explanation, which raises further questions regarding the integrity of this case in the current venue.

Given the severity of the situation involving the Respondent and his family, particularly his children, this notice points out the following concerning abnormalities:

I. DISCREPANCIES IN FILING

1. The Respondent filed his Joint Motion for Recusal with the court on October 7, 2024, but it has yet to be docketed on the reSearchTX platform. The file, which was tabbed, indexed, and hyperlinked for convenience, had a size of 19.3 MB at the time of submission. The Respondent received a receipt confirming acceptance of the filing on October 7, 2024, at 10:46 a.m. (*Exhibit A*).

<https://texas.tylertech.cloud/ViewDocuments.aspx?FID=c1b3b3a7-7024-4fa9-a8e1-95094f9ecc6b>

2. On October 8, 2024, the Respondent received an email from the Court Coordinator, Ms. Lindsey Baker, confirming Judge James Munford's decision to refer the case to the Regional Presiding Judge, David Evans. The email included an **Order of Referral**, signed by Judge Munford on October 8, 2024 (*Exhibit B*).

3. Upon reviewing the email, the Respondent noticed that the attached **Motion to Recuse** was missing crucial elements, specifically the affidavit and accompanying exhibits. Additionally, the tabs and hyperlinks were no longer present. The Respondent raised these discrepancies with Ms. Baker, who confirmed that the motion had been filed with the exhibits, despite the Respondent not receiving any indication of this in the receipt provided.

4. Dissatisfied with the response, the Respondent pointed out that the file size of the motion submitted on October 7, 2024, and the one sent via email differed significantly. It appeared that an unverified and modified version of the motion had been forwarded to Judge Evans (*Exhibit B*).

5. On the morning of October 9, 2024, the Respondent received the **Order of Referral** and correspondence to Judge Evans at 10:39 a.m., which still contained the same discrepancies noted earlier (*Exhibits C and D*).

6. At 12:17 p.m. on the same day, Ms. Baker sent further correspondence stating:

“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.” *Exhibit E*

Despite this explanation, the Amended Order of Referral has not been filed on the reSearchTX platform, raising additional concerns regarding the handling of the original motion. The reasoning provided for splitting the motion into three attachments only arose after the file size discrepancy was highlighted, and there is still no confirmation that the correct version of the motion was forwarded to Judge Evans or exists within the official case file.

II. THE RESEARCH TX PLATFORM

7. The reasoning given by Ms. Baker regarding the file size raises further questions. According to the District Clerk’s e-filing frequently asked questions (FAQs), attached as **Exhibit F**, the following guidelines are provided:

Q: Do you want all exhibits uploaded as separate documents or merged into one document?

A: **Merged into one document.**

Q: Should any exhibits be submitted as attachments to petition or as separate filing?

A: Exhibits should be merged into the lead document for a single filing.

Q: Exhibits – Are these uploaded as attachments to the petition. If yes, do you want them uploaded singly or do you want all the exhibits combined into a single document?

A: Preference is to have exhibits as part of the lead document they are filing, as long as they don't exceed the 35mb per envelope size limit. Lead documents get file-marked; attachments do not get file marked.

The Respondent's original motion complied with these guidelines, as the total file size was well below the 35 MB limit. However, despite this, the court opted to split the document into three parts. Additionally, the docket still shows that neither the original motion to recuse nor the subsequent correspondence or amended order from Judge Munford have been properly filed or docketed.

8. Pursuant to the Texas Rules of Civil Procedure, as amended by Misc. Docket No. 13-9165 from the Texas Supreme Court,

“[e]very pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.” TEX. R. CIV. P. 21a

9. Given that a true copy of the Amended Order of Referral has not been filed or docketed as required by Rule 21a, and in light of the contradictions between the court coordinator's explanation and the FAQs, the Respondent respectfully raises these concerns. The Respondent further requests clarification from the Court regarding the purpose of modifying the document in a manner that causes it to appear as an unverified pleading, which is fatal to the motion. See TEX. R. CIV. P. 18a(a)(1).

CONCLUSION

The Respondent respectfully requests that the Court take immediate corrective action to ensure that all filings, including the Amended Order of Referral, are properly docketed in accordance with Rule 21a and that all parties, including the Respondent, have full and equal access to the court's records and filings. The Respondent remains committed to complying with all applicable rules and procedures and looks forward to the Court's timely resolution of these issues to preserve the faith and integrity of the judiciary.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Chuckdustin12@gmail.com
817-507-6562
Pro-se

CERTIFICATE OF SERVICE

Respondent certifies that a true copy of this Joint Motion for Recusal was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **10/09/2024**:

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

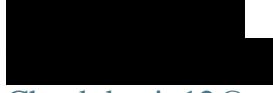
/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS

Chuckdustin12@gmail.com
817-507-6562
Pro-se

EXHIBIT B



Charlie Vids <chuckdustin12@gmail.com>

Myers 322-744263-23

4 messages

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>

Tue, Oct 8, 2024 at 4:42 PM

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

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

Thank you.

*Lindsey Baker*322nd Court Coordinator

Tarrant County Family Law Center

[200 E. Weatherford, 4th floor](#)

Fort Worth, Texas 76196

Phone: (817) 884-1597

2 attachments Correspondence.pdf
33K Myers-Order of Referral.pdf
1096K**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.1254 for your attention to this matter.**M.1254**

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
[Quoted text hidden]

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

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

Tue, Oct 8, 2024 at 10:43 PM

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

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

M.1255
Fort Worth, Texas 76196

M.1255

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

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

Charlie Vids <chuckdustin12@gmail.com>
To: "Lindsey K. Baker" <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

[Quoted text hidden]

M.1257

M.1257



EXHIBIT E

M.1257

M.1257



Charlie Vids <chuckdustin12@gmail.com>

FW: Myers 322-744263-23

1 message

Lindsey K. Baker <LKBaker@tarrantcountytx.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

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

From: Lindsey K. Baker
Sent: Wednesday, October 9, 2024 12:17 PM
To: Tracy Kemp <THKemp@tarrantcountytx.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

322nd Court Coordinator

Tarrant County Family Law Center

[200 E. Weatherford, 4th 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

M.1260

M.1260



EXHIBIT F

M.1260

M.1260

Tarrant County District Clerk E-Filing Frequently Asked Questions

Contact Information

Civil Case EFiling Information - TarrantCivilDCEFile@tarrantcounty.com

Family Case EFiling Information - TarrantFamilyDCEFile@tarrantcounty.com

Tax Case EFiling Information - TarrantTaxDCEFile@tarrantcounty.com

Criminal Bond Forfeiture Case Information - TarrantBofoDCEFile@tarrantcounty.com

Civil/Tax-817-212-6953

Family/OAG- 817-212-6954

General Questions

Is Amex accepted? **Yes**

Is your Case Management System integrated with the EfileTexas system? Yes

Are attachments allowed? **Yes, but prefer only proposed orders that are not exhibits submitted as attachments. Any other kind of attachment should be merged into the lead filing document.**

If so, do you want them as separate attachments, or combined into a single document? **Combined into a single document, except proposed orders that are not exhibits.**

Are multiple lead documents allowed in one filing? (For example, a petition and two motions on the same case—can that be done in a single filing?) **Yes- Multiple filings allowed in one envelope as long as they pertain to one case. However, pleadings requiring fees should be separate lead documents within that one envelope.**

Initial Filings

Do you want all exhibits uploaded as separate documents or merged into one document?
Merged into one document

Should any exhibits be submitted as attachments to petition or as separate filing? **Exhibits should be merged into the lead document for a single filing.**

Are citation requests, copies, etc., under Optional services or as a Filing Code for a separate filing? **Citations or other service documents request would be under the filing codes, but copies are under optional services.**

If Citation Request form is required, from where can it be downloaded?
http://web64.tarrantcounty.com/content/dam/main/district-clerk/efile_service_request_form.pdf

When requesting citations, etc. do you allow filer to request copies (optional services) to attach to the citation? **Yes**

Do you require plaintiff or defendant addresses? **Yes**

When doing an original petition filing, should all parties be listed or just first plaintiff /first defendant? **All parties**

Subsequent Filings

Do Notices, Orders, etc., that should not be file stamped have to have a cover letter as the lead document- **Yes**

Do you accept non-indexed case filings? **Yes- Preference would be for them to be indexed for the Judge to follow.**

What process should be used for eFiling proposed orders? **If a motion is being filed with it then it can be submitted as an attachment to the motion. If not and is only being submitted by itself, then pick proposed orders with a cover letter as the lead and attach the order.**

What process should be used for eFiling motions? **The filer would look for their filing motion on the pick list. If the pick list does not have their specific motion then they should select the “generic” Motion (other types)**

What process should be used for eFiling exhibits? **Same process for exhibit as initial filings- Exhibits should be merged into one document with the lead document.**

Additional Questions

Do attorneys have to go through an Electronic Filing Service Provider (EFSP)? Yes, but you are not limited to one EFSP

Will there be a guest E-filing station/kiosk in the Courthouse? Guest E-filing stations with scanners are located in District Clerk's Office at the Tim Curry Justice Center, 3rd floor, 401 W. Belknap and at the Family Law Center, Records area 3rd floor, 200 E. Weatherford, Ft Worth, TX.

Do attorneys have to pay an extra fee to use a guest E-filing station? No, The District Clerk will not charge an additional fee to use the guest e-filing station.

Will the filer be able to send E-filings 24/7? Yes

Can an attorney send multiple pleadings in one transmission for one transmission fee? Multiple pleadings can be sent in one envelope as long as all of the pleadings are in the same case number and don't exceed the 35mb per envelope size limit. Each separate document needing to be file marked must be submitted as a lead document.

If an attorney does not select the correct fees, or only selects one fee, but selected multiple filings that require fees will this be rejected?

Is an email address required to be included on filings

Filing TRO's or Protective Orders- Family Law Couple of options: 1) Attorneys can take their applications and orders straight to the Judge to be filed and signed. It is mandatory that you immediately deliver the originals (pleading/order) to the Clerk of the Court so that the Clerk retains the originals and it can be entered into JIMS. or 2) E-file the application/motion -(after knowing what court the case is assigned) go to that Court Clerk to get the docket sheet and then go to the Court with your proposed order. Once the order is signed the attorney will bring back the docket sheet and order to the Court clerk to be processed.

Filing TRO's or Protective Orders- Civil Law Couple of options: 1) If you choose to process the TRO in person, you should e-file the pleading and bring in your proposed order. 2) - If you choose to E-file everything, submit your pleading as a lead document and your proposed order as an attachment. The clerks will print out and send to the court; once the order is signed the clerk will email you the signed order for you to process accordingly.

The temporary ex parte order needs to be signed on the same day as the filing of the application. The only thing that has changed, since e-filing has been mandated, is the pleading must be efiled and all other processes after the filing remain the same. NOTICE- Use caution when "pre paying" for a TRO notice, just in case the Judge will not sign the order. The refund process is time consuming.

What if the Judge is not available how/who will get that order to another Judge if the attorneys have to e-file the temporary Ex parte order?

How will petitions be served if service is needed in Tarrant County? Refer to the Tarrant County Service request form on the District Clerk Web e-filing information link. The form must be completed, printed, scanned, and e-filed as a PDF.

Will the attorney still have to provide service copies? There are four options for service copies 1) - pay for service copies when selecting your service document. 2) Attorneys can provide copies of the "accepted" file-marked document in person or through a runner. 3) - Pay for service copies in person at the file desk or 4) pay for copies through certified payments. Note- a convenience fee charged to your credit card will be added for this option.

Yes

Will there be any exceptions or special circumstances where attorneys would be allowed to file by paper?

Please refer to Misc. Docket 13-9165- TRCP- 21(f) (4).

Exhibits – Are these uploaded as attachments to the petition. If yes, do you want them uploaded singly or do you want all the exhibits combined into a single document?

Preference is to have exhibits as part of the lead document they are filing, as long as they don't exceed the 35mb per envelope size limit. Lead documents get file-marked; attachments do not get file marked.

Yes, proposed Orders can be e-filed.

Do you allow the eFiling of proposed orders?

Order should be submitted as an attachment if a pleading is going to be e-filed.

When submitting a motion with orders, are both the motion and the order lead documents or do you want the order submitted as an attachment to the motion?

When submitting notices/motions, etc by themselves do you want these uploaded as the lead document or as an attachment to a cover letter?

They should be the lead document.

What filing code should I use when filing a response to

Use the generic "response" filing code. Once the clerk reviews and accepts the clerk will update the CMS/ JIMS to reflect the title of the document you are submitting. This will be done on all filings submitted. **discovery?**

Refer to Misc. Docket No. 13-9165 -TRCP 21(f) (7).

**Can you please advise
if all filings can be
signed electronically
or if they can be
signed with a pen and
scanned in to be filed?
Does it matter?**

Yes

**If I am an out of town
attorney where the
mandate has yet taken
place but I need to file
something in Tarrant
Co. Do I have to e-file?**

Refer to Misc. Docket No. 13-9165 - TRCP 21(f) (4).

What cannot be efiled?

**If my filing is rejected
will I still be charged
any fees?**

No, but your bank may place a hold on your funds for up to 14 business days.

**If I submitted a
scanned copy of my
pleading but it
skipped several pages
can I just resubmit the
missing pages?**

No, the clerk will be unable to modify the original image in any way. You will need to resubmit the whole document correctly.

**I am trying to file into
an existing
Termination/Adoptio
n case and I am
receiving an error
message stating case
is not available. How
do I e-file into a
confidential case?**

You will need to contact the Court Clerk.

How do I pay for the copies when requesting a citation? After you select your service document from the drop down menu, depending on service provider, you will either add copies or select additional services to apply copy fees. The copy fees are per page, not per document. (i.e....If your petition is 5 pages, you will pay for 5 copies at .50 per page)

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: 92989465

Filing Code Description: Notice

Filing Description: Notice

Status as of 10/10/2024 9:41 AM CST

Associated Case Party: MORGANMICHELLEMYERS

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------------|-----------|----------------------------|----------------------|--------|
| MORGAN MICHELLEMYERS | | morganmw02@gmail.com | 10/9/2024 4:21:30 PM | SENT |
| Cooper L.Carter | | cooper.carter@majadmin.com | 10/9/2024 4:21:30 PM | SENT |

Associated Case Party: CHARLESDUSTINMYERS

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|-------------------------|----------------------|--------|
| CHARLES MYERS | | chuckdustin12@gmail.com | 10/9/2024 4:21:30 PM | SENT |

Associated Case Party: ATTORNEY GENERAL OF TEXAS

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------|-----------|--|----------------------|--------|
| HOLLY HAYES | | csd-filer-914@texasattorneygeneral.gov | 10/9/2024 4:21:30 PM | SENT |