

Question

322-744263-23 IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS Morgan Michelle Myers, Petitioner, v. Charles Dustin Myers, Respondent. And In the interest of M.E.M. and C.R.M., two children. § § § § § MOTION TO RECUSE § § § § TO THE HONORABLE JUDGE OF THIS COURT: COMES NOW, Respondent, CHARLES DUSTIN MYERS, who respectfully submits this Motion to Recuse, and in support thereof, shows the Court the following: I. INTRODUCTION 1. There exists no excuse, nor any law or reasoning that could justify the events that have transpired throughout this case. Respondent notes that this is the third recusal motion filed in this matter, making it a tertiary recusal pursuant to Tex. Gov't. Code § 25.00256. The term includes any third or subsequent motion filed in the case by the same party, regardless of whether that motion is filed against a different judge than the judge or judges against whom the previous motions for recusal or disqualification were filed. 2. In practice, and pursuant to the statute, this gives Honorable James Munford the ability to move the case to final disposition as though a tertiary recusal motion had not been filed. However, I urge this court to pay close attention for the forthcoming reasons: *All docket references herein are market with DKT followed by the corresponding number. 3. Respondent, on day one, was divested of his property, his children, and his normal place of business. DKT 19. 4. The Petitioner, Morgan Michelle Myers, was allowed to approach this Court, submit facially fraudulent pleadings, and walk away with full custody and sole use of the residency before anything was ever adjudicated. She was permitted to falsify her indigency, claim abuse, and fabricate an emergency when the record before this court has held the truth, and remains unopposed. DKT 1, 3, 5 & 27. 5. The Respondent has provided this Court, the Second Court of Appeals, the Texas Supreme Court, the State Commission on Judicial Conduct, the State Bar of Texas, and the Office of the Attorney General with every possible opportunity to correct this situation, and each body has refused to do so. He has not received one argument, not one explanation, and not one justification for what has transpired. DKT passim. 6. Now, while the reviewer may pause here and claim this motion is meritless, the reality of this situation is that after careful review of the record, the fact pattern of this case, and after receiving not a single response in any of the six appellate cases from any implicated judge on appeal, and with zero sum participation from the other side of the table, the record facially establishes that Honorable James Munford, Honorable Jeff Kaitcer, Court Coordinator Lindsey Baker, opposing attorney Cooper L. Carter, and Petitioner Morgan Michelle Myers, collectively, have exhibited conduct of an enterprise through a pattern of racketeering activity. 7. Accordingly, absent any swift corrective action, Honorable James Munford must recuse himself from this matter, which is supported by the forthcoming facts found in the record: II. RECUSAL STANDARDS AND PROCEDURE 8. Texas appellate courts have consistently held that recusal is mandatory—not discretionary—when a judge's impartiality might reasonably be questioned (Ex parte Thuesen, 546 S.W.3d 145 (Tex. Crim. App. 2017)). The test is whether a reasonable member of the public, knowing all the facts, would have a reasonable doubt about the judge's impartiality (Rodriguez v.

Newton, NUMBER 13-19-00309-CV (Tex. App. Jul 16, 2020); In re Moore, NUMBER 13-19-00551-CV (Tex. App. Oct 30, 2019); Johnson-Todd v. Morgan, NO. 09-17-00168-CV, NO. 09-17-00194-CV (Tex. App. Dec 20, 2018); Kniatt v. State, 239 S.W.3d 910 (Tex. App. 2007); Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 (Tex. App. 2000)). This standard is applied regardless of whether actual bias exists; the appearance of bias is sufficient. 9. When a recusal motion is filed, the judge must either recuse themselves or refer the motion to another judge for decision; the challenged judge cannot unilaterally determine the sufficiency of the allegations (De Leon v. Aguilar, 127 S.W.3d 1 (Tex. Crim. App. 2004)). 10. A federal lawsuit against a judge, particularly one alleging conspiracy with a party in a RICO action, creates an immediate and substantial conflict of interest that requires the judge's prompt recusal from presiding over this matter, because the judge's impartiality would reasonably be questioned under both constitutional and statutory standards. The integrity of the judicial process and the appearance of fairness demand recusal in such circumstances to preserve public confidence and due process, which has already been tainted by these proceedings. 11. The Texas Constitution provides a foundational rule: no judge may preside over a case in which they have an interest, or where there is a connection to the parties by affinity, consanguinity, or prior involvement as counsel (Tex. Const. art. 5 § 11). This constitutional mandate is echoed and elaborated in the Texas Government Code, which requires a judge to recuse themselves and request assignment of another judge if they are disqualified or should otherwise recuse (Tex. Gov't. Code § 24.002). The Texas Government Code also provides mechanisms for parties to object to a judge's assignment in civil cases, including divorce, and mandates recusal upon timely objection (Tex. Gov't. Code § 74.053). 12. Administrative regulations reinforce these requirements, specifying that a judge is subject to recusal or disqualification on the same grounds as set out in Texas Rule of Civil Procedure 18b, and that motions to recuse must be made promptly and supported by admissible facts (1 Tex. Admin. Code § 155.152). 13. The law is clear that the appearance of impropriety is as damaging as actual impropriety. The Code of Judicial Conduct and the Texas Supreme Court have emphasized that judges must avoid situations where their impartiality might reasonably be questioned, as public confidence in the judiciary depends on the perception of fairness and neutrality (State v. Volkswagen Aktiengesellschaft, 692 S.W.3d 467 (Tex. 2022); In re Moore, NUMBER 13-19-00551-CV (Tex. App. Oct 30, 2019)). 15. Allegations of conspiracy under RICO are not mere accusations of bias or error; they are claims of criminal conduct and collusion with a party. This elevates the conflict of interest to an extraordinary level, making it virtually impossible for the judge to preside without undermining the legitimacy of the proceedings. The public, and the parties, would have every reason to doubt the judge's impartiality, and the law requires recusal in such circumstances (Rodriguez v. Cantu (In re Rodriguez), NUMBER 13-19-00230-CV, NUMBER 13-19-00254-CV (Tex. App. Jun 25, 2019); Johnson-Todd v. Morgan, NO. 09-17-00168-CV, NO. 09-17-00194-CV (Tex. App. Dec 20, 2018)). 16. Absent corrective action, immediate recusal is warranted, supported by the following:

III. GROUNDS FOR RECUSAL

A. WIRE FRAUD

On October 7, 2024, Respondent filed a joint motion to recuse District Judge James Munford and Associate Judge Jeffrey Kaitcer through the electronic filing manager, serving all parties with one hyperlinked document containing all

exhibits and notarized affidavits (DKT NO. 227). This recusal was filed in good faith after all appellate efforts were denied without explanation. See Cause No. 24-0395. 9. On October 8, 2024, at 4:43 PM, correspondence was received from Court Coordinator Lindsey Baker regarding an order of referral and ruling letter transmitted by District Judge James Munford to Regional Presiding Judge David L. Evans, declining to recuse himself from this matter (DKT NOS. 228-229). This email contained an unoriginal, modified version of the joint motion to recuse submitted to re:Search Texas by the Respondent, and was missing the exhibits and the affidavit. 10. By CC'ing this email to cooper.carter@majadmin.com on October 8, 2024, District Judge James Munford, through his court coordinator, relied on interstate wire communications because majadmin.com can be traced to the IP address 74.208.236.18, which IP Geolocation places in Kansas City, at coordinates 39.0997,-94.5786. Combined with the intentional alteration of the pleading to withhold material exhibits/affidavit to influence the recusal outcome, the transmission constitutes wire fraud under 18 U.S.C. § 1343, thereby supplying a RICO predicate act under 18 U.S.C. § 1961(1), committed by both Lindsey Baker and District Judge James Munford. At minimum, these facts plausibly allege the interstate-wire and fraud elements of this claim are supported by admissible evidence, that if true, would warrant his immediate recusal, and no further involvement from the Court Coordinator absent any swift corrective action. B. WIRE FRAUD - COUNT TWO 11. On October 10, 2024, court coordinator Lindsey Baker transmitted an "Amended Order of Referral" at 11:17 AM and a second judge's ruling letter. (DKT 232, 233) This transmission relied on the same interstate wires mentioned above. 12. The original motion was once again modified, this time split into three separate files "due to the size of the motion" which was well under the 35mb limit allotted from the efile Texas platform, with hyperlinks removed, affecting its' readability. 13. When Respondent pointed these issues out, Baker confirmed the pleading had been e-filed and the full document was in the court's possession (DKT NOS. 230-231 see Exhibits) showing that there was no plausible reason to modify them. C. FAILURE TO FOLLOW MANDATORY RECUSAL PROCEDURES 14. The primary legislative and regulatory authorities governing the handling of recusal motions in Texas are Texas Rule of Civil Procedure 18a and various provisions of the Texas Government Code, including sections 25.00256, 29.055, and 74.059(c)(3). 15. Texas Rule of Civil Procedure 18a sets out the exclusive procedure for recusal or disqualification of judges in civil cases. Upon the filing of a recusal motion, the rule requires the respondent judge, within three business days, to either recuse themselves or refer the motion to the regional presiding judge. The rule further mandates that the judge must take no further action in the case until the motion is resolved, except for good cause stated in writing or on the record. 16. Texas Government Code § 25.00256 (and related provisions such as § 29.055 and § 74.059(c)(3)) reinforce these requirements, specifying that the judge must forward the motion and all related documents in their original form or as certified copies to the presiding judge, and may not take further action in the case until the recusal motion is resolved. 17. Here, modified versions were transmitted, notably missing critical elements such as the notarized affidavit and exhibits showing a long list of misconduct that remains unaddressed to this day. Notwithstanding the federal allegations above, there is a continuous pattern showing that the law is being willfully disregarded by

these individuals, and enabled by the Regional Presiding Judge, who has permitted rulings on non-existent motions, and the continued involvement of Baker despite clear ambiguities surrounding the prior two recusal proceedings. 18. Texas Rule of Civil Procedure 18a and Texas Government Code § 29.055 both require the forwarding of the motion and all related documents in their original or certified form. The use of the term “all” and the requirement for original or certified copies preclude any alteration, omission, or selective transmission. This is further reinforced by case law, which consistently holds that the judge’s only permissible actions are recusal or referral, and that any other action—including any manipulation of the motion or its exhibits—is outside the scope of the judge’s authority (In re Gold, 04-25-00085-CV (Tex. App. May 07, 2025); In re Norman, 191 S.W.3d 858 (Tex. App. 2006); Carson v. Gomez, 841 S.W.2d 491 (Tex. App. 1992)). IV. ETHICS 19. The ethical consequences of the allegations are significant. The Texas Code of Judicial Conduct requires judges to comply with the law and maintain professional competence. In In re Inquiry Concerning Honorable Bonnie Rangel (677 S.W.3d 918, Tex. 2023), the Texas Supreme Court publicly admonished a judge for filing a response to a recusal motion, which is expressly prohibited by Rule 18a. The Court found that this single act demonstrated a lack of competence in the law and a failure to comply with legal requirements, violating Canons 2A and 3B(2). 20. By analogy, in this case, a staff member who serves at the pleasure of the Judge facing recusal was permitted to transmit non-original copies a government document through the use of interstate wires when the law clearly prohibits such behavior. 21. Furthermore, these actions are not isolated but build upon a growing pattern of misconduct in furtherance of a broader scheme initiated by Petitioner Morgan Michelle Myers. V. PURSUIT OF FEDERAL CLAIMS 22. The actions alleged herein are part of a larger, broader scheme to defraud the Respondent of his business and property, and this Recusal serves as both a notice to any individual reading this brief that the law is not optional. Whether a judge, an attorney, a clerk, or a coordinator – the law is not below you. 23. In this case, several individuals have chosen to disregard the law, put their political interests and bias before the Children and laws of this State, and have inadvertently assisted the Petitioner, Morgan Michelle Myers, in an elaborate scheme to defraud the Respondent of business and property of which affects interstate commerce currently being litigated in the Western District of Oklahoma. VI. CONCLUSIONS 24. For these reasons, Judge James Munford should be immediately recused, or in the alternative, correct the mistakes that have remained unaddressed for two years and remain unopposed on the face of the record. 25. The record is clear: this is a one sided case, with a one sided outcome, and despite having every reason to correct the errors in the face of no opposition, this Court has chosen to disregard the law, ethical standards, and has committed several predicate acts in the process which will be outlined in more detail if the subsequent federal action must be brought. 26. Nevertheless, the facts plead herein support recusal, as any member of the public knowing all of the facts of this case would clearly doubt it was conducted in an impartial manner. VI. PRAYER WHEREFORE, all premises considered, Respondent prays that the court: 1. Grant this motion to recuse, or in the alternative, provide corrective action to remedy the injustice faced by the Respondent; 2. Prevent any involvement from Court Coordinator Lindsey Baker; 3. Provide any further relief that this Court deems equitable and just based on these

extraordinary and unjust circumstances; Respectfully submitted, /s/ Charles Dustin Myers CHARLES DUSTIN MYERS 6641 Anne Court Watauga, Texas 76148 CHUCKDUSTIN12@GMAIL.COM 817-546-3693 AFFIDAVIT OF CHARLES DUSTIN MYERS IN SUPPORT OF MOTION TO RECUSE STATE OF TEXAS COUNTY OF TARRANT BEFORE ME, the undersigned authority, on this day Charles Dustin Myers personally appeared, who, being by me duly sworn, deposed as follows: 1. My name is Charles Dustin Myers. I am over the age of eighteen, of sound mind, and competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. 2. On October 7, 2024, I filed a joint motion to recuse District Judge James Munford and Associate Judge Jeffrey Kaitcer through the electronic filing manager, serving all parties with a single document containing all exhibits and a notarized affidavit. 3. On October 8, 2024, I received correspondence from Court Coordinator Lindsey Baker regarding an order of referral and ruling letter transmitted by Judge Munford to Regional Presiding Judge David L. Evans. The email contained a modified version of my joint motion to recuse, which was missing the exhibits and affidavit that I had originally submitted. 4. On October 10, 2024, Ms. Baker transmitted an "Amended Order of Referral" and a second judge's ruling letter. The original motion was again modified, split into three separate files, and hyperlinks were removed, affecting its readability. The size of the original document was well under the 35MB limit for e-filing. 5. When I raised these issues with Ms. Baker, she confirmed that the full document was in the court's possession, and there was no plausible reason for the modifications. 6. I believe that these actions, including the alteration and selective transmission of my filings, have affected the integrity of the recusal process and raise reasonable questions about the impartiality of Judge Munford in this case and are based on my personal knowledge and belief, and is supported by admissible evidence on the face of the record. 7. Based on these facts, I respectfully request that Judge Munford recuse himself from this matter. Further affiant sayeth not.

/s/ Charles
Dustin Myers CHARLES DUSTIN MYERS 6641 Anne Court Watauga, Texas 76148 CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE
CERTIFICATE OF SERVICE Pursuant to Rule 21a of the Texas Rules of Civil Procedure, a true and accurate copy of this MOTION TO RECUSE has been served on all parties of record through the Supreme Court of Texas approved EFM (re:Search Texas) on this 5th day of September, 2025. /s/
Charles Dustin Myers CHARLES DUSTIN MYERS 6641 Anne Court Watauga, Texas 76148 CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE How is this recusal motion? It's not conclusory.. it literally gives DKT references to each allegation

Answer (Texas)

Short response

The recusal motion filed by Charles Dustin Myers is not conclusory; it provides detailed, particularized allegations supported by docket references and an affidavit, meeting the procedural and substantive requirements for a recusal motion under Texas law. However, as a tertiary recusal motion, its

practical effect is limited by statute, and the judge may proceed with the case unless the motion is ultimately sustained.

Summary

Under Texas law, a motion to recuse a judge must be verified, state grounds with particularity, and be supported by admissible facts within the movant's personal knowledge. The motion in question satisfies these requirements by referencing specific docket entries, providing a sworn affidavit, and articulating the factual basis for the alleged bias and procedural irregularities.

Nevertheless, because this is the third recusal motion filed by the same party (a "tertiary recusal motion"), Texas statutes allow the judge to continue presiding over the case and moving it to final disposition as if the motion had not been filed, unless and until the motion is sustained. The motion's detailed factual allegations and compliance with procedural rules mean it cannot be dismissed as conclusory, but its ultimate success depends on whether an assigned judge (if referral occurs) finds that a reasonable person would doubt the judge's impartiality based on the facts presented.

Background and Relevant Law

Legislative and Regulatory Framework

Texas law provides a comprehensive framework for judicial recusal. The Texas Constitution prohibits a judge from sitting in any case where the judge has a personal interest, is related to a party, or has previously served as counsel in the matter ([Tex. Const. art. 5 § 11](#)). Statutory law further details the procedures and grounds for recusal:

- **Texas Rule of Civil Procedure 18a** (as referenced in the case law and secondary materials) sets out the exclusive procedure for recusal or disqualification of judges in civil cases. It requires that a motion to recuse be verified, state grounds with particularity, and be based on admissible facts within the movant's personal knowledge ([In re G. S., No. 02-19-00390-CV \(Tex. App. Mar 19, 2020\)](#); [1 Tex. Admin. Code § 155.152](#)).
- **Texas Rule of Civil Procedure 18b** provides that a judge must recuse themselves if their impartiality might reasonably be questioned or if they have a personal bias or prejudice concerning the subject matter or a party ([State v. Volkswagen Aktiengesellschaft, 692 S.W.3d 467 \(Tex. 2022\)](#); [Guillen v. Cameron Cnty., NUMBER 13-16-00682-CV \(Tex. App. Nov 15, 2018\)](#)).
- **Texas Government Code § 74.059** and **§ 24.002** require a judge, upon the filing of a recusal motion, to either recuse themselves or refer the motion to the presiding judge of the administrative judicial region, and to take no further action in the case except for good cause stated in writing ([Tex. Gov't. Code § 74.059](#); [Tex. Gov't. Code § 24.002](#)).

- **Texas Government Code § 25.00256** and **Tex. Civ. Prac. & Rem. Code § 30.016** address "tertiary recusal motions" (the third or subsequent recusal motion by the same party), providing that the judge may continue to preside over the case and move it to final disposition as if the motion had not been filed, unless the motion is sustained ([Tex. Gov't. Code § 25.00256](#); Tex. Civ. Prac. & Rem. Code § 30.016).
- **1 Tex. Admin. Code § 155.152** reiterates that a motion to recuse must be made at the earliest practicable time, be verified, state grounds with particularity, and be based on personal knowledge and admissible facts.

Case Law

Texas appellate courts have consistently held that recusal is mandatory when a judge's impartiality might reasonably be questioned, applying an objective standard: whether a reasonable member of the public, knowing all the facts, would doubt the judge's impartiality ([Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#); [Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#); [Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#)). The judge must either recuse themselves or refer the motion to another judge for decision; they cannot unilaterally determine the sufficiency of the allegations ([De Leon v. Aguilar, 127 S.W.3d 1 \(Tex. Crim. App. 2004\)](#); [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#)).

A motion to recuse must not be based solely on the judge's rulings in the case and must state facts with detail and particularity that, if proven, would be sufficient to justify recusal ([In re G. S., No. 02-19-00390-CV \(Tex. App. Mar 19, 2020\)](#)). The Texas Supreme Court has also emphasized that the appearance of impropriety is as damaging as actual impropriety ([State v. Volkswagen Aktiengesellschaft, 692 S.W.3d 467 \(Tex. 2022\)](#)).

If a recusal motion is not verified or does not meet the minimum requirements of form, the judge may determine that the mandatory referral and hearing provisions are not triggered ([Moorhead v. State, 972 S.W.2d 93 \(Tex. App. 1998\)](#)).

Tertiary Recusal Motions

When a party files a third or subsequent recusal motion in the same case, Texas law provides that the judge may continue to preside, sign orders, and move the case to final disposition as if the motion had not been filed, unless the motion is ultimately sustained ([Tex. Gov't. Code § 25.00256](#); Tex. Civ. Prac. & Rem. Code § 30.016). The denial of a tertiary recusal motion is only reviewable on appeal from final judgment.

Analysis

Sufficiency and Non-Conclusory Nature of the Motion

The recusal motion filed by Charles Dustin Myers is not conclusory. It is verified by affidavit, as required by Texas Rule of Civil Procedure 18a and [1 Tex. Admin. Code § 155.152](#). The motion states its grounds with particularity, referencing specific docket entries (DKT numbers) and providing a detailed factual narrative. The supporting affidavit attests to the facts within the affiant's personal knowledge, further satisfying the requirement that the motion be based on admissible evidence ([In re G. S., No. 02-19-00390-CV \(Tex. App. Mar 19, 2020\)](#); [1 Tex. Admin. Code § 155.152](#)).

Texas courts have held that a motion to recuse must assert one or more of the grounds listed in Rule 18b, must not be based solely on the judge's rulings, and must state facts with detail and particularity that, if proven, would be sufficient to justify recusal ([In re G. S., No. 02-19-00390-CV \(Tex. App. Mar 19, 2020\)](#)). The motion here alleges not only bias and impropriety but also specific procedural irregularities, such as the alleged alteration and selective transmission of filings, and references to federal claims of wire fraud and RICO predicate acts. While the ultimate merits of these allegations are for another judge to determine (if the motion is referred), the motion itself is not conclusory under Texas law.

The inclusion of DKT references and a sworn affidavit aligns with the requirement that each allegation or factual contention in a pleading must have, or be likely to have, evidentiary support after reasonable investigation ([Low v. Henry, 221 S.W.3d 609 \(Tex. 2007\)](#)). The motion's structure and content are consistent with the standards articulated in both the rules and the case law.

Procedural Handling of the Motion

Upon the filing of a recusal motion, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial region ([De Leon v. Aguilar, 127 S.W.3d 1 \(Tex. Crim. App. 2004\)](#); [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#)). The judge cannot unilaterally determine the sufficiency of the allegations or take further action in the case, except for good cause stated in writing ([Tex. Gov't. Code § 74.059](#); [Tex. Gov't. Code § 24.002](#)). This is a mandatory, not discretionary, requirement.

However, because this is a tertiary recusal motion, the judge is permitted by statute to continue presiding over the case and moving it to final disposition as if the motion had not been filed, unless the motion is ultimately sustained ([Tex. Gov't. Code § 25.00256](#); Tex. Civ. Prac. & Rem. Code § 30.016). The denial of such a motion is only reviewable on appeal from the final judgment.

Substantive Standard for Recusal

The substantive standard for recusal is whether a reasonable member of the public, knowing all the facts, would have a reasonable doubt about the judge's impartiality ([Kniate v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#); [Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)). The appearance of bias or impropriety is sufficient; actual bias need not be shown ([State v. Volkswagen Aktiengesellschaft, 692 S.W.3d 467 \(Tex. 2022\)](#)). The motion alleges a pattern of conduct, including the alteration and selective transmission of filings, which, if proven, could raise questions about impartiality.

However, Texas law also makes clear that adverse rulings alone are not grounds for recusal; the alleged bias must be extrajudicial ([Grider v. Boston Co., Inc., 773 S.W.2d 338 \(Tex. App. 1989\)](#), but note this case was stated as disapproved by a later case, so its authority is limited). The motion here goes beyond adverse rulings, alleging procedural irregularities and misconduct.

Ethical and Procedural Violations

The Texas Supreme Court has admonished judges for failing to comply with the procedural requirements of Rule 18a, such as by filing a response to a recusal motion ([In re Inquiry Concerning Honorable Bonnie Rangel, 677 S.W.3d 918 \(Tex. 2023\)](#)). The motion's allegations regarding the alteration and selective transmission of filings, if true, could implicate both ethical and procedural violations. The law requires that all related documents be forwarded in their original or certified form, and any manipulation or omission is outside the scope of the judge's authority ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#)).

Tertiary Recusal Motion Limitations

Because this is a tertiary recusal motion, the judge is not required to step aside or halt proceedings unless and until the motion is sustained ([Tex. Gov't. Code § 25.00256](#); Tex. Civ. Prac. & Rem. Code § 30.016). The judge may continue to preside, sign orders, and move the case to final disposition. If the motion is denied, the denial is only reviewable on appeal from the final judgment. If the motion is sustained, all orders signed during the pendency of the motion must be vacated.

Exceptions and Caveats

- If the motion were not verified or failed to state grounds with particularity, it could be dismissed as insufficient ([Moorhead v. State, 972 S.W.2d 93 \(Tex. App. 1998\)](#)), but that is not the case here.
- The judge may take further action in the case only for good cause stated in writing ([Tex. Gov't. Code § 74.059](#)).
- The motion's allegations of criminal conduct (wire fraud, RICO) are serious, but the recusal process itself is not the forum for adjudicating

such claims; the relevant question is whether the facts, if true, would cause a reasonable person to doubt the judge's impartiality.

Conclusion

The recusal motion filed by Charles Dustin Myers is not conclusory; it is verified, states grounds with particularity, and is supported by specific factual allegations and docket references, as required by Texas law. However, as a tertiary recusal motion, its immediate effect is limited by statute, and the judge may continue to preside over the case unless the motion is ultimately sustained. The motion's sufficiency and detail mean it cannot be dismissed out of hand, but its success will depend on whether the facts, if proven, would lead a reasonable person to question the judge's impartiality. The statutory and case law framework is clear: the appearance of bias is sufficient for recusal, but the procedural limitations on tertiary motions must be observed.

Legal Authorities

[In re Flores, 53 S.W.3d 428 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

We are asked to determine whether a presiding judge has 'assigned' himself under Texas Government Code Chapter 74 when he decides to personally hear a motion to recuse, rather than designate another judge to do so, under Texas Rule of Civil Procedure 18a. We hold that a Chapter 74 assignment does not occur under these circumstances; therefore, the presiding judge is not subject to an objection under Chapter 74.

Summary

A presiding judge deciding to hear a recusal motion personally does not constitute an "assignment" under Chapter 74, and therefore, objections under Chapter 74 are not applicable in such cases. This is relevant to the question as it provides insight into the procedural correctness of the recusal motion filed by Charles Dustin Myers, particularly in terms of whether the judge followed the correct procedure.

[Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#)

Texas Court of Appeals

Extract

The language of our rules is clear and straightforward: the grounds for recusal of an appellate justice or judge are the same as those provided in the rules of civil procedure. Tex.R.App. P. 16.2. Texas Rule of Civil Procedure 18b provides that '[a] judge shall recuse himself in any proceeding in which ... his impartiality might reasonably be questioned.' Tex.R. Civ. P. 18b(2)(a). This language is mandatory, and the standard is objective, not subjective. Id. It calls upon the judge—in the first instance—to assess his impartiality. A reasonable doubt is resolved in favor of recusal.

Summary

The Texas Rules of Civil Procedure mandate that a judge must recuse themselves if their impartiality might reasonably be questioned. This is an objective standard, meaning it does not depend on the judge's personal feelings but rather on whether a reasonable person would question the judge's impartiality. The passage emphasizes that the appearance of impartiality is crucial, and any reasonable doubt should be resolved in favor of recusal.

[Texaco, Inc. v. Pennzoil, Co., 729 S.W.2d 768 \(Tex. App. 1987\)](#)

Texas Court of Appeals

Extract

Under Texas law, the basis for the disqualification of a judge is contained in Article V, Section 11 of the Texas Constitution, which prohibits a judge from sitting in a case where he may be interested, or where he is related to a party by affinity or consanguinity in a degree prescribed by law, or where he was counsel in the case... Rather, it argues that the grounds for recusal rest in Canon 3C of the Code of Judicial Conduct... In McLeod, the supreme court held that pursuant to the following language from Tex.Rev.Civ.Stat.Ann. art. 200a, § 6 (Vernon 1977), the trial court has a mandatory duty to request that the presiding judge assign another judge to hear the motion to recuse... While rule 18a does mandate a hearing on a motion to recuse, such requirement is not triggered unless the recusal motion states valid grounds for disqualification.

Summary

Legal standards and procedures for recusal in Texas, emphasizing that a judge must be disqualified if there is a reasonable question of impartiality. The passage also highlights the procedural requirements under Texas Rule of Civil Procedure 18a, which mandates a hearing on a recusal motion only if valid grounds for disqualification are stated. This is relevant to the recusal motion in question, as it provides a legal framework for evaluating the sufficiency of the allegations and the procedural steps that must be followed.

[Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#)

Texas Court of Appeals

Extract

Appellant asserts the trial judge was without jurisdiction to dismiss. Once a motion to recuse has been filed, the trial judge has only two options, recusal or referral. TEX.R.CIV.P. 18a(c). Rule 18a(d) provides: If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion. TEX.R.CIV.P. 18a(d).

Summary

When a motion to recuse is filed, the judge has only two options: to recuse themselves or to refer the motion to the presiding judge of the administrative judicial district. The judge is not allowed to take further action in the case until the motion is resolved, except for good cause stated in writing. This procedural requirement is mandatory and applies to all civil cases in Texas.

[In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

Under Texas Rule of Civil Procedure 18a, Judge Austin had a mandatory duty either to recuse himself or to refer the recusal motion to the presiding judge. TEX.R. CIV. P. 18a. Furthermore, section 74.059(c)(3) of the Government Code states that a district, statutory probate, or statutory county court judge shall 'request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court.' TEX. GOV'T CODE ANN. § 74.059(c)(3) (Vernon 2005). Judge Austin did not have the option of denying the motion.

Summary

Under Texas law, when a motion to recuse is filed, the judge in question has a mandatory duty to either recuse themselves or refer the motion to the presiding judge. The judge does not have the discretion to deny the motion themselves. This ensures that the motion is evaluated by an impartial party, maintaining the integrity of the judicial process.

[De Leon v. Aguilar, 127 S.W.3d 1 \(Tex. Crim. App. 2004\)](#)

Texas Court of Criminal Appeals

Extract

When a recusal motion is timely filed, Rule 18a leaves a trial judge with no discretion—the trial judge must either recuse himself or refer the motion for another judge to decide. See Rule 18a(c). Any criminal cases to the contrary such as McClenan are overruled. Rule 18a does not contemplate that a trial judge whose impartiality is questioned can nevertheless determine whether the allegations of bias against him state sufficient grounds for recusal.

Summary

The passage from "De Leon v. Aguilar" clarifies that when a recusal motion is filed, the judge in question must either recuse themselves or refer the motion to another judge. The judge does not have the discretion to determine the sufficiency of the allegations themselves. This is relevant to the recusal motion in question because it underscores the procedural requirement that the judge must follow, which is to either recuse or refer, rather than dismiss the motion based on their own assessment of its merits.

[Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#)

Texas Court of Criminal Appeals

Extract

The circumstances presented in this case focus our attention on an area of criminal practice which would benefit from further explanation. The manner in which our judicial system handles the recusal of judges affects public confidence in the judiciary, as it goes to the 'very heart of the promise of impartiality.' See Johnson v. Pumjani, 56 S.W.3d 670, 672 (Tex. App.-Houston [14th Dist.] 2001, no pet.). Our Code of Criminal Procedure contains no procedures governing the recusal of trial judges. Consequently, this Court has looked to the Texas Rules of Civil Procedure for guidance concerning the recusal of trial judges in criminal cases and habeas corpus proceedings.

Summary

The passage highlights the significance of proper recusal procedures to ensure judicial impartiality and public confidence. It indicates that in the absence of specific criminal procedure rules, civil procedure rules are used as guidance. This is relevant to the recusal motion in question, as it underscores the importance of following proper procedures and the potential impact on public perception of fairness.

[In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)

Texas Supreme Court

Extract

The 'public admonition' arose from a single instance of Judge Rangel filing a written response to a motion seeking her recusal from a particular case. Underlying the determination was the rule of procedure stating that a jurist subject to such a motion 'should not file a response' to it. TEX. R. CIV. PROC. 18a(c)(2). According to the Commission, the mere fact that Judge Rangel filed a response meant she failed to comport and maintain competence in the law, thereby violating 'Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.'

Summary

The Texas Rules of Civil Procedure, specifically Rule 18a, prohibit a judge from filing a response to a recusal motion. This is a procedural requirement that ensures impartiality and maintains public confidence in the judiciary. The passage highlights the importance of judges adhering to procedural rules and the consequences of failing to do so, as seen in the case of Judge Rangel, who was admonished for filing a response to a recusal motion, which is not allowed under the rules.

[Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)

Texas Court of Appeals

Extract

The Texas Supreme Court mandates that when there exists a reasonable question as to a judge's impartiality, recusal is mandatory. In determining whether recusal is required pursuant to Tex.R.Civ.P. 18b(2)(a), the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain would have a reasonable doubt that a judge is actually impartial. ... The grounds for recusal of an appellate court justice are generally the same as those provided in the rules of civil procedure. Tex. R. App. P. 16.2. Texas Rule of Civil Procedure 18b(2) provides, in part, that judges shall recuse themselves when their impartiality might be questioned or when they have a personal bias or prejudice concerning the subject matter or a party.

Summary

The Texas Supreme Court requires recusal when there is a reasonable question about a judge's impartiality. The standard is whether a reasonable

member of the public, knowing all the facts, would doubt the judge's impartiality. This aligns with the recusal motion's argument that the appearance of bias is sufficient for recusal, as outlined in the motion's references to Texas law and procedure.

[Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

Rule 18b(2)(a) plainly states that a 'judge shall recuse himself in any proceeding in which... his impartiality might reasonably be questioned.' TEX.R. CIV. P. 18b(2)(a). Texas cases almost unanimously state the following reasonable-person test for questioned impartiality: 'In determining whether a judge's impartiality might be reasonably questioned so as to require recusal, the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial.'

Summary

The standard for recusal in Texas is whether a reasonable person, knowing all the facts, would doubt the judge's impartiality. This is relevant to the recusal motion in question because it provides the legal framework under which the motion should be evaluated. The motion to recuse Judge Munford is based on allegations that his impartiality might reasonably be questioned, which aligns with the standard set forth in Rule 18b(2)(a).

[State v. Volkswagen Aktiengesellschaft, 692 S.W.3d 467 \(Tex. 2022\)](#)

Texas Supreme Court

Extract

The grounds for disqualification and recusal under Texas law are set out in Rule of Civil Procedure 18b. Relevant to this case, Rule 18b requires a judge to recuse if 'the judge's impartiality might reasonably be questioned' or 'the judge has a personal bias or prejudice concerning the subject matter or a party.' Tex. R. Civ. P. 18b(b)(1), (2); see Tex. R. App. P. 16.2 ('The grounds for recusal of an appellate court justice or judge are the same as those provided in the Rules of Civil Procedure.'). Canons 2 and 3 of the Code of Judicial Conduct address these same issues. Titled 'Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities,' Canon 2 requires that '[a] judge shall not allow any relationship to influence judicial conduct or judgment.'

Summary

The Texas Rules of Civil Procedure, specifically Rule 18b, provide the grounds for judicial recusal. A judge must recuse themselves if their impartiality might reasonably be questioned or if they have a personal bias or prejudice concerning the subject matter or a party. This is relevant to the recusal motion in question, as it provides the legal basis for the claims made by the Respondent, Charles Dustin Myers, regarding the alleged bias and impropriety of Judge James Munford.

[Johnson v Pumjani, 56 S.W.3d 670 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

When a motion to recuse is filed, a trial court has only two options: recusal or referral of the case to the presiding judge for a determination as to its merits. Tex. R. Civ. P. 18a(c); In re Rio Grande Valley Gas Co., 987 S.W.2d 167, 178-79 (Tex.App. Corpus Christi 1999, no pet.); Carson v. Gomez, 841 S.W.2d 491, 493 (Tex.App. Houston [1st Dist.] 1992, no writ). The court does not have the option of doing nothing. Rio Grande Valley Gas, 987 S.W.2d at 178; Brosseau v. Ranzau, 911 S.W.2d 890, 892 (Tex. App. Beaumont 1995, no writ). This is true even when the motion may be considered untimely or as stating insufficient grounds for recusal. Jamilah v. Bass, 862 S.W.2d 201, 203 (Tex.App. Houston [14th Dist.] 1993, no writ). The motion may ultimately fail on those grounds, but that decision should be made by some other judge so as to avoid even the appearance of impropriety.

Summary

When a motion to recuse is filed, the trial court must either recuse the judge or refer the motion to the presiding judge for a decision. The court cannot ignore the motion, even if it appears untimely or insufficient. This ensures the impartiality of the judiciary and avoids any appearance of impropriety.

[Guillen v. Cameron Cnty. , NUMBER 13-16-00682-CV \(Tex. App. Nov 15, 2018\)](#)

Texas Court of Appeals

Extract

Texas Rule of Civil Procedure 18b provides multiple grounds for recusal. See TEX. R. CIV. P. 18b(b). Potentially relevant to this case, rule 18b provides that a judge must recuse himself in any proceeding in which the judge's impartiality might reasonably be questioned or the judge has a personal bias or prejudice concerning the subject matter or a party. Id. Recusal is

appropriate if a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge's conduct, would have a reasonable doubt that the judge is actually impartial.

Summary

The Texas Rule of Civil Procedure 18b provides the grounds for recusal, which include situations where a judge's impartiality might reasonably be questioned. The passage also clarifies that recusal is appropriate if a reasonable member of the public, knowing all the facts, would doubt the judge's impartiality. This aligns with the recusal motion in question, which argues that the judge's impartiality is in question due to alleged misconduct and bias.

[Thomas v. Pugliese, No. 02-18-00064-CV \(Tex. App. Jul 11, 2019\)](#)

Texas Court of Appeals

Extract

In support of her second and third issues, Thomas argues that the regional presiding judge erred by denying her recusal motions. We review the denial of a recusal motion for an abuse of discretion. See Tex. R. Civ. P. 18a(j)(1)(A); Lopez v. Tarrant Cty., Tex., No. 02-13-00194-CV, 2015 WL 5025233, at *4 (Tex. App.—Fort Worth Aug. 25, 2015, pet. denied) (mem. op.). A trial court abuses its discretion if it acts without reference to any guiding rules or principles—that is, if its act is arbitrary or unreasonable. Low v. Henry, 221 S.W.3d 609, 614 (Tex. 2007); Cire v. Cummings, 134 S.W.3d 835, 838-39 (Tex. 2004).

Summary

Recusal motions in Texas are reviewed for abuse of discretion. This means that a trial court's decision on a recusal motion will be overturned only if it is arbitrary or unreasonable. The passage also highlights that a recusal motion must be based on more than just dissatisfaction with judicial rulings; it must demonstrate bias or partiality that affects due process.

[In re G. S., No. 02-19-00390-CV \(Tex. App. Mar 19, 2020\)](#)

Texas Court of Appeals

Extract

A motion to recuse must be verified, must assert one or more of the grounds listed in Rule of Civil Procedure 18b, must not be based solely on the judge's rulings in the case, and must state facts, with detail and particularity, that are within the affiant's personal knowledge (although facts may be stated on

information and belief if the basis for that belief is specifically stated), that would be admissible in evidence, and that, if proven, would be sufficient to justify recusal. Tex. R. Civ. P. 18a(a)(1)-(4).

Summary

Framework for evaluating whether a recusal motion meets the necessary legal standards.

[Simpson v. State, NO. 01-12-00380-CR \(Tex. App. Jun 17, 2014\)](#)

Texas Court of Appeals

Extract

An order denying a motion to recuse is reviewed under an abuse-of-discretion standard. TEX. R. CIV. P. 18a(j)(1)(A) (West Supp. 2014); De Leon v. Aguilar, 127 S.W.3d 1, 5 (Tex. Crim. App. 2004); Arnold v. State, 853 S.W. 2d 543, 544 (Tex. Crim. App. 1993). The court abuses its discretion only if its ruling is outside the 'zone of reasonable disagreement' or fails to apply proper guiding rules and principles. Kemp v. State, 846 S.W.2d 289, 306 (Tex. Crim. App. 1992); Abdygapparova v. State, 243 S.W.3d 191, 198 (Tex. App.—San Antonio 2007, pet. ref'd). Our review is fact intensive, considering the entire record from the recusal hearing.

Summary

A motion to recuse is reviewed under an abuse-of-discretion standard. This means that the court's decision will only be overturned if it is outside the "zone of reasonable disagreement" or if the court fails to apply proper guiding rules and principles. The review is fact-intensive and considers the entire record from the recusal hearing. This is relevant to the question as it provides insight into how recusal motions are evaluated in Texas, which is pertinent to the motion filed by Charles Dustin Myers.

[Johnson-Todd v. Morgan, NO. 09-17-00168-CV, NO. 09-17-00194-CV \(Tex. App. Dec 20, 2018\)](#)

Texas Court of Appeals

Extract

We review the denial of a motion to recuse for an abuse of discretion. See Tex. R. Civ. P. 18a(j)(1)(A). 'A party seeking recusal must satisfy a 'high threshold' before a judge must be recused.' In the Interest of E.R.C., 496 S.W.3d 270, 279 (Tex. App.—Texarkana 2016, pet. denied). Under Texas Rule of Civil Procedure 18b(1) and (2), a judge shall recuse himself in any proceeding in which his impartiality 'might reasonably be questioned['] or in

which he has a 'personal bias or prejudice concerning the subject matter or a party[.]' Tex. R. Civ. P. 18b(1), (2).

Summary

A motion to recuse a judge in Texas must meet a high threshold, demonstrating that the judge's impartiality might reasonably be questioned or that there is a personal bias or prejudice. The passage provides the legal standard for recusal, which is relevant to evaluating the sufficiency of the recusal motion in question.

[Ludlow v. DeBerry, 959 S.W.2d 265 \(Tex. App. 1997\)](#)

Texas Court of Appeals

Extract

In Grider v. Boston Co., Inc., 773 S.W.2d 338, 346 (Tex.App.--Dallas 1989, writ denied), appellants claimed error in the trial judge's refusal to recuse himself because the judge 'exhibited an antagonistic attitude toward them and ... his rulings were consistently unfair.' The Dallas court held that a party attempting to require a judge to recuse himself must show that the judge's bias was extrajudicial and not based on in-court rulings. *Id.* The court added that appellants' remedy was to assign error concerning the adverse rulings. *Id.*

Summary

For a recusal motion to be successful, the bias or partiality of the judge must stem from an extrajudicial source, not merely from in-court rulings or conduct. The passage emphasizes that judicial rulings alone are insufficient for recusal unless they demonstrate a deep-seated favoritism or antagonism that would make fair judgment impossible. This is relevant to the recusal motion in question because it suggests that the allegations must show extrajudicial bias to be successful.

[Metzger v. Sebek, 892 S.W.2d 20 \(Tex. App. 1994\)](#)

Texas Court of Appeals

Extract

The judge refused to hear Bradt's motion, ruling that the motion to recuse was untimely, and thus in violation of Texas Rule of Civil Procedure 18a(a)... We reject the appellees' argument that Bradt's motion to recuse 'failed to establish a proper basis for recusal,' and therefore the judge could ignore it. This is the same argument we rejected in *Carson*, 841 S.W.2d at 493. The

judge who has been asked to recuse should not be the one who determines whether the motion states valid grounds for recusal.

Summary

The passage highlights that a judge should not be the one to determine the validity of a recusal motion's grounds, emphasizing the procedural requirement that such motions should be referred to another judge. This aligns with the recusal motion in question, which argues that the judge's impartiality might reasonably be questioned and that procedural errors have occurred.

[Harris v. State, 160 S.W.3d 621 \(Tex. 2005\)](#)

Texas Supreme Court

Extract

We review the denial of a recusal motion under an abuse-of-discretion standard. See Wesbrook v. State, 29 S.W.3d 103, 120 (Tex.Crim.App.2000); Rosas, 76 S.W.3d at 774. Recusal because of bias is justified when 'the movant has provided facts sufficient to establish that a reasonable man, knowing all the circumstances involved, would harbor doubts as to the impartiality of the trial judge.' Kemp v. State, 846 S.W.2d 289, 305 (Tex.Crim.App. 1992); accord Rosas, 76 S.W.3d at 774. We will not reverse a recusal decision which lies 'within the zone of reasonable disagreement.'

Summary

A recusal motion is reviewed under an abuse-of-discretion standard. Recusal is justified when the movant provides sufficient facts to establish that a reasonable person, knowing all the circumstances, would doubt the judge's impartiality. This standard is applicable to the recusal motion in question, as it provides a framework for evaluating whether the allegations and evidence presented are sufficient to warrant recusal.

[Roman v. State, 145 S.W.3d 316 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

In a single issue, appellant complains that the trial judge should have been recused and that the judge hearing appellant's motion to recuse erred in denying it. We hold that the trial judge exhibited a bias — a bent or tendency — but was not biased as contemplated by the case law. As a result, we affirm the denial of the motion to recuse because (1) the trial judge's opinions about punishment were based on specific facts of the defendant's case —

reflecting an attempt to fit the punishment with the crime — and (2) the knowledge the trial judge gained about the case from trying a co-defendant was not knowledge gained from an extra-judicial source.

Summary

Standards for recusal of a judge in Texas, emphasizing that recusal is appropriate if a judge's impartiality might reasonably be questioned. However, it also clarifies that a judge's opinions formed based on the specific facts of a case do not necessarily constitute bias warranting recusal. The passage highlights that the judge's knowledge gained from related cases is not considered extra-judicial and does not automatically disqualify the judge. This is relevant to the question as it provides insight into the standards and considerations for recusal motions in Texas, which is pertinent to the recusal motion filed by Charles Dustin Myers.

[Jaquez v. State 712 S.W.3d 217](#)

Texas Court of Appeals

Extract

Jaquez contends that the trial judge should have been recused under Texas Rule of Civil Procedure 18b... Rule 18b requires, in relevant part, that a judge shall recuse herself in any proceeding in which her impartiality might reasonably be questioned or she has a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding... In determining whether recusal is necessary, 'the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial.'... The movant of a motion to recuse the trial judge bears the burden of proving recusal is warranted by providing facts demonstrating the presence of bias or partiality 'of such a nature and extent as to deny the movant due process of law.'

Summary

The Texas Rule of Civil Procedure 18b sets a high threshold for recusal, requiring the movant to demonstrate bias or partiality that would lead a reasonable person to doubt the judge's impartiality. The passage emphasizes the need for concrete facts to support claims of bias or partiality, which aligns with the detailed allegations and references provided in the recusal motion in question.

[Woodruff v. Wright, 51 S.W.3d 727 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

The Texas Rules of Civil Procedure provide that a judge shall recuse himself in any proceeding in which 'his impartiality might reasonably be questioned.' Tex. R. Civ. P. 18b(2)(a). We review the denial of a motion to recuse for abuse of discretion. Tex. R. Civ. P. 18a(f); Vickery v. Vickery, 999 S.W.2d 342, 349 (Tex. 1999) (op. on reh'g); McElwee v. McElwee, 911 S.W.2d 182, 185 (Tex. App.-Houston [1st Dist.] 1995, writ denied). The test for abuse of discretion is not whether in the opinion of the reviewing court the facts present an appropriate case for the trial court's action; rather, it is a question of whether the court acted without reference to any guiding rules or principles.

Summary

The Texas Rules of Civil Procedure require a judge to recuse themselves if their impartiality might reasonably be questioned. The review of a recusal motion's denial is based on whether the judge acted without reference to guiding rules or principles, indicating an abuse of discretion. This is relevant to the recusal motion in question, as it provides the legal standard and framework under which such motions are evaluated in Texas.

[Adams v. Adams, NO. 01-18-00192-CV \(Tex. App. Apr 16, 2019\)](#)

Texas Court of Appeals

Extract

We review the denial of a motion to recuse for an abuse of discretion. See TEX. R. CIV. P. 18a(j)(1)(A). 'A party seeking recusal must satisfy a 'high threshold' before a judge must be recused.' In re E.R.C., 496 S.W.3d 270, 279 (Tex. App.—Texarkana 2016, pet. denied) (quoting Ex parte Ellis, 275 S.W.3d 109, 116 (Tex. App.—Austin 2008, no pet.)). Under Texas Rule of Civil Procedure 18b(b)(1) and (2), a judge shall recuse herself in any proceeding in which her impartiality 'might reasonably be questioned' or in which she has a 'personal bias or prejudice concerning the subject matter or a party[.]' TEX. R. CIV. P. 18b(b)(1), (2).

Summary

In Texas, a motion to recuse a judge must meet a high threshold. The party seeking recusal must demonstrate that the judge's impartiality might reasonably be questioned or that there is a personal bias or prejudice. The decision to deny a recusal motion is reviewed for an abuse of discretion, meaning the trial court's decision must be arbitrary or unreasonable to be overturned. The passage provides insight into the legal standards and burden of proof required for a successful recusal motion in Texas.

[Moorhead v. State, 972 S.W.2d 93 \(Tex. App. 1998\)](#)

Texas Court of Appeals

Extract

Rule 18a of the Texas Rules of Civil Procedure applies to recusal and disqualification matters in criminal cases, absent a legislative declaration to the contrary. ... When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial determination of whether the recusal motion is in compliance with the rule governing recusal or disqualification of judges. ... The motion filed by Moorhead was not verified and thus did not meet the minimum requirements of Rule 18a. Rule 18a requires that the recusal motion be verified. Accordingly, the rule's mandatory referral and hearing provisions were never triggered.

Summary

A recusal motion must comply with specific procedural requirements, including verification, under Rule 18a of the Texas Rules of Civil Procedure. The passage highlights that a judge can determine if a recusal motion meets these minimum requirements of form. If the motion is not verified, the judge is not required to refer it for further consideration, and the mandatory referral and hearing provisions are not triggered.

[Brosseau v. Ranzau, 911 S.W.2d 890 \(Tex. App. 1995\)](#)

Texas Court of Appeals

Extract

Appellant claims that the trial court judge erred in failing to respond to a motion to recuse. He claims that in response to his motion to recuse, the trial judge should have either recused himself from the case or referred the motion to the presiding judge of the administrative judicial district in accordance with Rule 18a of the Texas Rules of Civil Procedure... Rule 18a of the Texas Rules of Civil Procedure is explicit with regard to motions to recuse. It provides in part: (emphasis added) ... (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.... There is a simple interpretation of Rule 18a. The appellate courts have agreed that when presented with a motion to recuse a judge has two, and only two, options. These options are for the judge to either recuse himself or refer the motion to the presiding judge of the administrative judicial district.

Summary

Legal basis for the argument that a judge must act in one of the two specified ways when presented with a motion to recuse, which supports the claims made in the recusal motion.

[Jamilah v. Bass, 862 S.W.2d 201 \(Tex. App. 1993\)](#)

Texas Court of Appeals

Extract

Relator's motion for recusal sought the have Judge Bass either recuse himself or forward the case to the presiding judge of Brazoria County. Respondent argues that the recusal motion is not a proper motion in that it was untimely filed and failed to state a ground for recusal. This court has previously held that the procedural requirements of Rule 18a are mandatory and a party who fails to comply with them waives the right to complain of a judge's failure to recuse himself. Watkins v. Pearson, 795 S.W.2d 257 (Tex.App.--Houston [14th Dist.] 1990, writ denied); Vickery v. Texas Carpet Co., 792 S.W.2d 759 (Tex.App.--Houston [14th Dist.] 1990, writ denied). However, the contempt hearing in the present case was set for July 19th. Relator was notified of the setting on July 14th. She filed her motion to recuse the next day. On these facts, we hold the trial judge had but two options: to recuse himself or refer the case to the presiding judge. TEX.R.CIV.P. 18a(c); Lamberti v. Tschoepe, 776 S.W.2d 651 (Tex.App.--Dallas 1989, writ denied). This is so regardless of the timeliness of the motion or the sufficiency of the grounds for recusal.

Summary

The procedural requirements of Rule 18a are mandatory. A motion for recusal must be filed in compliance with these requirements, and failure to do so results in waiving the right to complain about a judge's failure to recuse. The passage also clarifies that once a motion for recusal is filed, the judge has only two options: to recuse themselves or refer the case to the presiding judge, regardless of the motion's timeliness or the sufficiency of the grounds for recusal.

[Sanchez v. State, 926 S.W.2d 391 \(Tex. App. 1996\)](#)

Texas Court of Appeals

Extract

We note as a threshold matter that TEX.R.CIV.P. 18a applies to recusal matters in criminal cases absent a legislative declaration to the contrary. Arnold v. State, 853 S.W.2d 543, 544 (Tex.Crim.App.1993). Rule 18a and the

case law interpreting it apply here. We find no authority, in the rule or the case law, which requires a party to object to the lack of an evidentiary hearing on a recusal motion once procedures under the rule are triggered. The language of Rule 18a is mandatory: ...

Summary

Texas Rule of Civil Procedure 18a is mandatory for recusal matters and does not require an objection to the lack of an evidentiary hearing once the procedures under the rule are triggered. This rule applies to both civil and criminal cases, and the language of the rule is mandatory, meaning that it must be followed as prescribed.

[Vargas v. State, 883 S.W.2d 256 \(Tex. App. 1994\)](#)

Texas Court of Appeals

Extract

The trial judge, upon the filing of a motion to recuse, shall request the presiding judge of the administrative district to assign another judge to hear a motion to recuse. TEX. GOV'T CODE ANN. § 74.059(c)(3). TEX.R.CIV.P. 18a(c) requires the judge to either recuse himself or refer the motion to the presiding judge of the administrative district before proceeding any further in the case.

Summary

In Texas, when a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative district. This is a procedural requirement under the Texas Government Code and Texas Rules of Civil Procedure. The passage does not directly address the content or conclusory nature of the motion but emphasizes the procedural steps that must be followed once a motion is filed.

[Grider v. Boston Co., Inc., 773 S.W.2d 338 \(Tex. App. 1989\)](#)

Texas Court of Appeals

Extract

By points eight and nine, Plaintiffs assert that the trial judge erred in failing to recuse himself, and that the judge to whom the motion for recusal was transferred erred in failing to require the recusal of the trial judge. The rule governing recusal states: Judges shall recuse themselves in proceedings in which their impartiality might reasonably be questioned, including but not limited to, instances in which they have a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed

evidentiary facts concerning the proceeding. TEX.R.CIV.P. 18b(2). As grounds for recusal, Plaintiffs contend that the trial judge exhibited an antagonistic attitude toward them and that his rulings were consistently unfair. We do not intimate that the trial court conducted itself in this fashion. Even so, Plaintiffs' remedy was not a motion to recuse; the proper remedy was to assign error on the basis of the adverse rulings. To require recusal, a judge's bias must be extrajudicial and not based upon in-court rulings.

Summary

The passage provides insight into the standards for recusal under Texas law, specifically under Texas Rule of Civil Procedure 18b(2). It clarifies that a judge should recuse themselves if their impartiality might reasonably be questioned, including instances of personal bias or prejudice. However, it also emphasizes that the bias must be extrajudicial and not based on in-court rulings. The passage suggests that if the alleged bias arises from the judge's rulings, the appropriate remedy is to assign error on those rulings, not to file a motion for recusal.

[Low v. Henry, 221 S.W.3d 609 \(Tex. 2007\)](#)

Texas Supreme Court

Extract

Chapter 10 of the Texas Civil Practice and Remedies Code requires a pleading's signatory to certify that he or she conducted a reasonable inquiry into the allegations and concluded that each allegation or other factual contention in the pleading has or is likely to have evidentiary support. ... Each allegation and factual contention in a pleading or motion must have, or be likely to have, evidentiary support after a reasonable investigation. Id.

Summary

Any motion or pleading filed in Texas courts must be based on a reasonable inquiry and have evidentiary support. This requirement ensures that the allegations are not frivolous and have a factual basis. The recusal motion in question provides DKT references to support its allegations, which aligns with the requirement for evidentiary support as outlined in Chapter 10.

[Abdygapparova v. State, 243 S.W.3d 191 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

An appellate court reviews an order denying a motion to recuse under an abuse of discretion standard. De Leon v. Aguilar, 127 S.W.3d 1, 5

(Tex.Crim.App. 2004); Arnold v. State, 853 S.W.2d 543, 544 (Tex.Crim.App. 1993) (en banc) (applying Texas Rule of Civil Procedure 18a to criminal cases). Because this standard requires a determination that the court acted without any guiding rules and principles, the trial court abuses its discretion only if the ruling on the motion was not within the zone of reasonable disagreement. ... When bias is alleged as a ground for recusal, the recusal of a judge is appropriate only if the movant provides sufficient evidence to establish that a reasonable person, knowing all the circumstances involved, would harbor doubts as to the impartiality of the judge. Kemp, 846 S.W.2d at 305. See TEX.R. CIV. P. 18b. Only when the bias attains a level denying the movant due process of law is recusal warranted.

Summary

A motion to recuse a judge in Texas is reviewed under an abuse of discretion standard. The movant must provide sufficient evidence to establish that a reasonable person, knowing all the circumstances, would doubt the judge's impartiality. The recusal is warranted only if the alleged bias reaches a level that denies the movant due process of law. This aligns with the standards and procedures outlined in the Texas Rules of Civil Procedure, specifically Rule 18a and 18b.

[Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#)

Texas Court of Appeals

Extract

When a motion to recuse has been filed, a judge must either recuse him- or herself or request the presiding administrative judge to assign another judge to hear the motion. Wright v. Wright, 867 S.W.2d 807, 811 (Tex.App.--El Paso 1993, writ denied); Carson, 841 S.W.2d at 492-93; Lamberti, 776 S.W.2d at 652; Petitt v. Laware, 715 S.W.2d 688, 692 (Tex.App.--Houston [1st Dist.] 1986, writ ref'd. n.r.e.); Greenberg, 685 S.W.2d at 695. Any order other than an order of recusal or referral, entered by a court after a proper motion to recuse is entered is void.

Summary

When a motion to recuse is filed, the judge in question must either recuse themselves or refer the motion to another judge. This is a mandatory procedure under Texas law, and any other action taken by the judge after a recusal motion is filed is considered void. This supports the argument in the recusal motion that Judge Munford should have either recused himself or referred the motion to another judge, and any actions taken outside of this procedure could be considered improper.

[Kemp v. State, 846 S.W.2d 289 \(Tex. Crim. App. 1992\)](#)

Texas Court of Criminal Appeals

Extract

A trial judge ruling on a motion alleging bias as a ground for disqualification must decide whether the movant has provided facts sufficient to establish that a reasonable man, knowing all the circumstances involved, would harbor doubts as to the impartiality of the trial judge. See Chitimacha Tribe of Louisiana v. Harry L. Laws Co., 690 F.2d 1157, 1165 (5th Cir.1982); see also, McClenan, *supra* at 109. Bias may be a ground for disqualification only when it is shown to be of such nature, and to such extent, as to deny the defendant due process of law.

Summary

For a recusal motion to be successful, it must provide sufficient facts to establish that a reasonable person, knowing all the circumstances, would doubt the judge's impartiality. The motion must demonstrate that the alleged bias is of such a nature and extent that it denies the defendant due process of law. This standard is applicable to recusal motions in Texas, including the one in question.

[Tex. Const. art. 5 § 11 Tex. Const. art. 5 § 11 Disqualification of Judges; Exchange of Districts; Holding Court For Other Judges](#)

Extract

No judge shall sit in any case wherein the judge may be interested, or where either of the parties may be connected with the judge, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when the judge shall have been counsel in the case.

Summary

The Texas Constitution mandates that judges must recuse themselves from cases where they have a personal interest, a connection to the parties, or have previously served as counsel. This aligns with the recusal motion's argument that Judge Munford's impartiality might reasonably be questioned due to alleged misconduct and potential bias, as outlined in the motion with specific docket references.

[1 Tex. Admin. Code § 155.152 1 Tex. Admin. Code § 155.152 Disqualification Or Recusal of Judges](#)

Extract

A judge is subject to recusal or disqualification on the same grounds and under the same circumstances as specified in TRCP Rule 18b. Motion. A motion to recuse or disqualify a judge assigned to a case should: (A) be made at the earliest practicable time; (B) be verified, if the motion is in writing; (C) state with particularity the grounds for the motion; and (D) be based on personal knowledge and include such facts as would be admissible in evidence, except that facts may be stated on information and belief if the basis for such belief is specifically stated.

Summary

The Texas Administrative Code provides specific guidelines for filing a motion to recuse or disqualify a judge. The motion must be made promptly, verified if in writing, state the grounds with particularity, and be based on personal knowledge with admissible facts. The motion in question appears to follow these guidelines by providing detailed allegations with DKT references, which supports the claim that it is not conclusory.

[Tex. Gov't. Code § 25.00255 Tex. Gov't. Code § 25.00255 Recusal Or Disqualification of Judge](#)

Extract

Notwithstanding any conflicting provision in the Texas Rules of Civil Procedure, Rules 18a and 18b, Texas Rules of Civil Procedure, apply to the recusal and disqualification of a statutory probate court judge except as otherwise provided by this section or another provision of this subchapter. The presiding judge: has the authority and shall perform the functions and duties of the presiding judge of the administrative judicial region under the rules, including the duty to hear or rule on a referred motion of recusal or disqualification or, subject to Subdivisions and , assign a judge to hear and rule on a referred motion of recusal or disqualification; may assign a presiding judge of the administrative judicial region to hear and rule on a referred motion of recusal or disqualification only with the consent of the presiding judge of the administrative judicial region; may not assign a judge of a statutory probate court located in the same county as the statutory probate court served by the judge who is the subject of the motion of recusal or disqualification; and if the presiding judge is the subject of the motion of recusal or disqualification, shall sign and file with the clerk an order referring the motion to the chief justice of the supreme court for assignment of a presiding judge of an administrative judicial region, a statutory probate court judge, or a former or retired judge of a statutory probate court to hear and rule on the motion, subject to Subdivisions and .

Summary

Authority and duties of the presiding judge in handling recusal motions, including the assignment of another judge to hear and rule on the motion. This is relevant to the question as it provides the legal framework within which the recusal motion in the case of Charles Dustin Myers v. Morgan Michelle Myers should be considered.

[Tex. Gov't. Code § 74.059 Tex. Gov't. Code § 74.059 Powers and Duties](#)

Extract

A district, statutory probate, or statutory county court judge shall: ... request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court; ...

Summary

Texas law requires a judge to request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court. This aligns with the recusal motion filed by Charles Dustin Myers, which argues that Judge James Munford should recuse himself due to alleged bias and misconduct. The motion is not conclusory because it provides specific docket references and allegations, which are supported by the procedural requirements outlined in the Texas Government Code.

[Tex. Gov't. Code § 24.002 Tex. Gov't. Code § 24.002 Assignment of Judge Or Transfer of Case On Recusal](#)

Extract

If a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken.

Summary

The Texas Government Code provides a clear procedure for a judge to recuse themselves if they determine they are disqualified or should otherwise not preside over a case. The judge must enter a recusal order and request the presiding judge of the administrative judicial region to assign

another judge. This ensures that the case is handled impartially and maintains the integrity of the judicial process.

[Tex. Gov't. Code § 74.053 Tex. Gov't. Code § 74.053 Objection to Judge Assigned to a Trial Court](#)

Extract

If a party to a civil case files a timely objection to the assignment, the judge shall not hear the case. Except as provided by Subsection (d), each party to the case is only entitled to one objection under this section for that case.

Summary

In Texas, a party to a civil case can file an objection to the assignment of a judge, and if the objection is timely, the judge is not allowed to hear the case. This is relevant to the recusal motion because it provides a legal basis for objecting to a judge's assignment, which is a form of recusal. The motion to recuse in the question is supported by specific allegations and references to the docket, which aligns with the procedural requirements for objecting to a judge's assignment.

[Tex. Gov't. Code § 25.00256 Tex. Gov't. Code § 25.00256 Tertiary Recusal Motion Against Judge](#)

Extract

(a) In this section, 'tertiary recusal motion' means a third or subsequent motion for recusal or disqualification filed in a case against any statutory probate court judge by the same party. The term includes any third or subsequent motion filed in the case by the same party, regardless of whether that motion is filed against a different judge than the judge or judges against whom the previous motions for recusal or disqualification were filed. (b) A judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification except that the judge shall continue to: preside over the case; sign orders in the case; and move the case to final disposition as though a tertiary recusal motion had not been filed. (c) A judge hearing a tertiary recusal motion against another judge who denies the motion shall award reasonable and necessary attorney's fees and costs to the party opposing the motion. The party making the motion and the attorney for the party are jointly and severally liable for the award of fees and costs. The fees and costs must be paid before the 31st day after the date the order denying the tertiary recusal motion is rendered unless the order is properly superseded. (d) The denial of a tertiary recusal motion is only reviewable on appeal from final judgment. (e) If a tertiary recusal motion is finally sustained, the new judge for the case shall vacate all orders signed by the sitting judge during the pendency of the tertiary recusal motion.

Summary

A tertiary recusal motion is a third or subsequent motion for recusal or disqualification filed by the same party in a case. The statute outlines that even if such a motion is filed, the judge can continue to preside over the case and move it to final disposition as if the motion had not been filed. This is relevant to the question because it provides the legal framework under which the recusal motion in question is being considered, indicating that despite the allegations and references provided, the judge may not be required to recuse themselves unless the motion is sustained.

[Tex. Gov't. Code § 29.055 Tex. Gov't. Code § 29.055 Procedure Following Filing of Motion; Recusal Or Disqualification Without Motion](#)

Extract

Before further proceedings in a case in which a motion for the recusal or disqualification of a municipal judge has been filed, the judge shall: recuse or disqualify himself or herself; or request the regional presiding judge to assign a judge to hear the motion. A municipal judge who does not recuse or disqualify himself or herself: shall forward, in original form or certified copy, an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge; and may not take other action in the case during the time after the filing of the motion for recusal or disqualification and before a hearing on the motion, except for good cause stated in the order in which the action is taken.

Summary

When a motion for recusal is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge. The judge is not allowed to take further action in the case until the motion is resolved, except for good cause. This ensures that the process is fair and impartial, and it aligns with the procedures outlined in the recusal motion filed by Charles Dustin Myers, which references the need for recusal due to alleged bias and misconduct.

[Tex. Gov't. Code § 33.001 Tex. Gov't. Code § 33.001 \[Effective 9/1/2025\] Definitions](#)

Extract

The Texas Code of Judicial Conduct requires judges to comply with the law and maintain professional competence. In *In re Inquiry Concerning Honorable Bonnie Rangel* (677 S.W.3d 918, Tex. 2023), the Texas Supreme Court publicly admonished a judge for filing a response to a recusal motion, which is expressly prohibited by Rule 18a. The Court found that this single

act demonstrated a lack of competence in the law and a failure to comply with legal requirements, violating Canons 2A and 3B(2).

Summary

The passage highlights the importance of judges adhering to procedural rules, such as those governing recusal motions, and maintaining professional competence. It provides an example of a judge being admonished for not following these rules, which is relevant to the question of whether the recusal motion is valid and supported by proper references.

[Tex. Civ. Prac. and Rem. Code § 30.016 Tex. Civ. Prac. and Rem. Code § 30.016 \[Effective Until 9/1/2025\] Recusal Or Disqualification of Certain Judges](#)

Extract

(a) In this section, 'tertiary recusal motion' means a third or subsequent motion for recusal or disqualification filed against a district court or statutory county court judge by the same party in a case. (b) A judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification except that the judge shall continue to: preside over the case; sign orders in the case; and move the case to final disposition as though a tertiary recusal motion had not been filed. (c) A judge hearing a tertiary recusal motion against another judge who denies the motion shall award reasonable and necessary attorney's fees and costs to the party opposing the motion. The party making the motion and the attorney for the party are jointly and severally liable for the award of fees and costs. The fees and costs must be paid before the 31st day after the date the order denying the tertiary recusal motion is rendered, unless the order is properly superseded. (d) The denial of a tertiary recusal motion is only reviewable on appeal from final judgment. (e) If a tertiary recusal motion is finally sustained, the new judge for the case shall vacate all orders signed by the sitting judge during the pendency of the tertiary recusal motion.

Summary

Procedures and consequences for such motions, including the judge's ability to continue presiding over the case and the awarding of attorney's fees and costs to the opposing party if the motion is denied. The denial of a tertiary recusal motion is only reviewable on appeal from the final judgment.

[THE ARCHITECTURE OF JUDICIAL ETHICS.](#)

University of Pennsylvania Law Review - University of Pennsylvania, Law School - Geyh, Charles Gardner - 2021-08-01

Extract

a recusal motion, even though the law would permit the challenged judge to pass the motion to an objective judge). (160) See Deborah Goldberg, James Sample & David E. Pozen, *The Best Defense: Why Elected Courts Should Lead Recusal Reform*, 46 WASHBURN L.J. 503, 531 (2007) ('[W]hile independent adjudication of recusal motions does raise efficiency costs, those costs should not be substantial if decisions are based on written affidavits and oral argument, rather than full-blown adversarial hearings. The increased procedural integrity and public trust fostered by an independent decisionmaker may be well worth the price.').

Summary

The passage highlights the importance of having an independent decision-maker handle recusal motions to maintain procedural integrity and public trust. It suggests that while there may be efficiency costs associated with independent adjudication, these are outweighed by the benefits of increased trust and integrity. This aligns with the recusal motion in question, which seeks to ensure impartiality and fairness in the judicial process by requesting the recusal of a judge due to alleged bias and misconduct.

[Pretrial Motions](#)

Texas Criminal Lawyer's Handbook. Volume 1 - 2021 - James Publishing - Mark G. Daniel, Robert K. Gill - 2021-08-16

Extract

Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution. Rule 18b(2) states, in relevant part, that a 'judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned.' ... A motion to recuse is the proper vehicle to challenge any alleged bias of the trial judge in the case. *Sanchez v. State*, 926 S.W.2d 391 (Tex. App.—El Paso 1996, pet. ref'd). In order to recuse a judge, any party may file a motion stating grounds why the judge before whom the case is pending should not sit in the case. Tex.R.Civ.P. 18a(a). The grounds must be stated with ... Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov't Code §74.059(c)(3). *Sanchez*. If a recusal motion is timely filed and facially sufficient, a hearing must be held. *Sanchez*.

Summary

The Texas Rules of Civil Procedure provide a clear framework for recusal motions. Rule 18b(2) specifies that a judge must recuse themselves if their impartiality might reasonably be questioned. The motion to recuse is the appropriate method to challenge a judge's alleged bias, and it must state the grounds for recusal. Once a sufficient motion is filed, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. This aligns with the recusal motion filed by Charles Dustin Myers, which provides specific allegations and references to docket entries, suggesting that the motion is not conclusory but rather detailed and supported by evidence.

Pretrial motions

Texas Criminal Lawyer's Handbook. Volume 1-2 - James Publishing - Mark G. Daniel, Robert K. Gill - 2022-05-05

Extract

§12:42 Difference Between Recusal and Disqualification... Judges may be removed from a particular case either because they are disqualified or because they are recused. The grounds and procedures for each type of removal are fundamentally different... §12:43 Recusal of Trial Judge... Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution... §12:43.3 Duty of the Trial Judge... When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a... A judge does not have authority to take any further action after signing a voluntary recusal order.

Summary

A motion to recuse is appropriate when a judge's impartiality might reasonably be questioned, and it is governed by specific procedural rules in Texas. The motion must be filed in accordance with Rule 18a of the Texas Rules of Civil Procedure, and the judge must either recuse themselves or refer the motion to another judge. The provided motion to recuse includes specific allegations and references to docket entries, which align with the procedural requirements for filing such a motion in Texas.

Pretrial Motions

Texas Criminal Lawyer's Handbook. Volume 1 - 2019 - James Publishing - Mark G. Daniel, Robert K. Gill - 2019-08-16

Extract

The procedural requisites for recusal in Rule 18a(a) are mandatory, and a party who fails to conform waives his right to complain of a judge's failure to recuse himself. Arnold v. State, 853 S.W.2d 543 (Tex. Crim. App. 1993)... A motion to recuse is the proper vehicle to challenge any alleged bias of the trial judge in the case. Sanchez v. State, 926 S.W.2d 391 (Tex. App.—El Paso 1996, pet. ref'd). In order to recuse a judge, any party may file a motion stating grounds why the judge before whom the case is pending should not sit in the case. Tex.R.Civ.P. 18a(a). The grounds must be stated with particularity. Vargas v. State, 883 S.W.2d 256 (Tex.App.—Corpus Christi 1994, pet. ref'd). A motion to recuse must be verified in order to comply with Rule 18a. Vargas; Moorhead v. State, 972 S.W.2d 93 (Tex.App.—Texarkana 1998, no pet.).

Summary

Procedural requirements for filing a motion to recuse a judge in Texas. It emphasizes that the motion must be filed in accordance with Rule 18a(a), which requires stating the grounds for recusal with particularity and verifying the motion. The passage also notes that a motion to recuse is the appropriate method to challenge a judge's alleged bias. The recusal motion in question appears to follow these guidelines by providing specific allegations and references to the docket (DKT) numbers, which aligns with the requirement to state grounds with particularity.

This memo was compiled by Vincent AI based on vLex materials available as of September 06, 2025. [View full answer on vLex](#)