

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

ITMOMO,	§
<i>Morgan Michelle Myers</i>	§
Petitioner,	§
v.	§
<i>Charles Dustin Myers,</i>	§ Notice of Intent to File Tertiary Recusal
Respondent	§
<i>& in the interest of</i>	§
<i>M.E.M. & C.R.M.,</i>	§
<i>Two minor children.</i>	§

TO THE HONORABLE JUDGE OF THIS COURT:

Respondent, Charles Dustin Myers, respectfully submits this notice regarding the intent to file a tertiary recusal. The Respondent hereby puts the reviewing staff members, the opposing party, the Honorable Judge of this Court, and the Regional Presiding Judge on notice to bring attention to the critical and compounding issues that continue to accrue within this matter.

The court and all officials involved are statutorily and ethically obligated to ensure that the motion, when filed, is handled in strict compliance with the law and with the highest standards of fairness and integrity. The judge must continue to preside over the case unless and until the motion is sustained, but must also ensure that the process is transparent, impartial, and free from any appearance of impropriety. See Tex. Gov't. Code § 25.00256).

I. Summary

1. Respondent has exhausted all available procedural and substantive remedies to have his concerns addressed, and the 322nd District Court is legally and ethically obligated to resolve these outstanding issues—especially those involving recusal, due process, and the integrity of prior orders—before proceeding to a final trial. To do otherwise would violate Texas constitutional, statutory, and ethical mandates requiring fairness, impartiality, and public confidence in the judiciary.

2. The Texas judiciary is governed by a comprehensive framework of constitutional provisions, statutes, and judicial conduct codes that collectively impose strict obligations on courts and judges to act fairly, honestly, and with integrity. These obligations are especially pronounced in matters involving recusal, where the appearance and reality of impartiality are essential to maintaining public trust in the judicial system.

3. When a party files a recusal motion—including a tertiary recusal—Texas law prescribes specific procedures to ensure that the motion is handled impartially and efficiently, and that the judge's conduct does not undermine the integrity of the process. Judges must avoid actual bias and even the appearance of impropriety and

must comply with both the letter and spirit of the law to uphold the legitimacy of the courts.

II. Background and Relevant Law

A. Constitutional and Statutory Framework

3. Texas law imposes strict constitutional, statutory, and ethical duties on courts and judges to ensure that all proceedings, especially those involving recusal and allegations of bias, are handled with the utmost fairness, integrity, and transparency. Respondent has repeatedly invoked these protections, filing verified motions, objections, and requests for hearings, and has documented procedural irregularities, unaddressed motions, and violations of due process and the Texas Family Code; the court's failure to address these matters before moving to final trial would undermine the legitimacy of the judicial process and erode public trust.

4. Texas courts are vested with inherent powers to control proceedings, ensure justice is done, and require that all proceedings are conducted with dignity and order. See Tex. Gov't. Code § 21.001. Judges are statutorily required to diligently discharge their administrative responsibilities, rule on cases within specified timeframes, and, crucially, follow established procedures for recusal and disqualification to address any potential bias or conflict of interest. See Tex. Gov't. Code § 74.059.

5. The 322nd District Court must resolve all pending recusal motions, procedural objections, and due process concerns before setting the case for final trial, as required by the Texas Constitution, Government Code, Family Code, and binding Texas Supreme Court precedent. Proceeding to trial without first addressing these threshold issues would not only contravene established law but also risk disciplinary consequences for the court and continuous irreparable harm to the children, especially where the record reflects a pattern of unaddressed bias, procedural irregularities, and violations of fundamental rights.

B. Recusal and Disqualification Procedures

6. Texas law provides a detailed framework for recusal and disqualification. When a motion for recusal is filed, the judge must either recuse themselves or refer the motion to the presiding judge for assignment to another judge (Tex. Gov't. Code § 29.055). For tertiary recusal motions (the third or subsequent recusal motion by the same party), the judge must continue to preside over the case and move it toward final disposition unless and until the motion is sustained (Tex. Gov't. Code § 25.00256). However, the judge must still comply with all applicable procedural rules for recusal and disqualification, and the process must be handled in a manner that is transparent, impartial, and consistent with due process (Tex. Gov't. Code § 25.00255).

7. The Texas Rules of Civil Procedure, specifically Rule 18a, require that a motion to recuse be verified, state with particularity the grounds for recusal, and be served on all parties. Once a sufficient motion is filed, the judge must either recuse themselves or request the presiding judge of the administrative judicial district to assign another judge to hear the motion. If a recusal motion is timely and facially sufficient, a hearing is mandatory.

C. Due Process and Family Law Protections

8. Due process under the United States and Texas Constitutions requires that no person be deprived of life, liberty, or property without notice and an opportunity to be heard at a meaningful time and in a meaningful manner. See *In re V.K.*, 607 S.W.3d 471 (Tex. App. 2020)). In family law, the natural right between parents and children is of constitutional dimension, and courts must strictly adhere to statutory requirements before issuing orders that affect these rights (Tex. Fam. Code § 83.006).

D. Judicial Conduct and Ethical Standards

9. Judges are required to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. They must avoid both actual bias and the appearance of bias, and recuse themselves when their

impartiality might reasonably be questioned. See *Sears v. Nueces County Sheriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000).

10. In the present case, these requirements have fallen short in every aspect, as several outstanding issues remain ignored despite the court being fully aware of the issues.

III. Analysis

E. Respondent's Exhaustion of Remedies

11. The record demonstrates that Charles Myers has taken every reasonable and available step to have his concerns addressed by the 322nd District Court. He has:

- i. Filed verified motions to recuse, stating with particularity the grounds for recusal as required by Rule 18a;
- ii. Objected to procedural irregularities, including the improper involvement of the court coordinator in recusal matters, which is not authorized by the Texas Rules of Civil Procedure;
- iii. Sought hearings on his motions, as mandated by law;
- iv. Filed objections to orders and assignments that mischaracterized the operative pleadings or included judges not named in the recusal motion;

- v. Documented the failure of the court to address dispositive motions, including motions for summary judgment, motions to compel, and motions to dismiss for want of prosecution;
- vi. Raised due process violations, including the lack of notice, opportunity to be heard, and the absence of required findings before being excluded from his home or deprived of parental rights;
- vii. Pursued appellate remedies, including petitions for writ of mandamus and appeals to the Texas Supreme Court, all of which were denied or remain unresolved;
- viii. Provided notice to all parties and the court of ongoing harm to his children, including medical emergencies, and the failure of the court to act on these urgent matters.
- ix. Has opened concurrent litigation in the Western District of Oklahoma to address the Petitioner's illegal acts leading up to the divorce suit.
- x. Has provided the opposing counsel with evidence that remains unopposed regarding false claims of violence, indigency, and received no response.

These actions satisfy, and indeed exceed, the procedural and substantive requirements imposed by Texas law for a party seeking judicial relief and accountability.

F. The Court's Legal and Ethical Obligations

12. The 322nd District Court is bound by constitutional, statutory, and ethical mandates to address all pending recusal motions, procedural objections, and due process concerns before proceeding to a final trial. The Texas Constitution and Government Code require judges to act with integrity, avoid bias, and ensure that all proceedings are conducted fairly and in accordance with the law (Tex. Const. art. 5 § 1-a; Tex. Gov't. Code § 74.059).

13. When a recusal motion is filed, the judge must either recuse themselves or refer the motion to the presiding judge for assignment to another judge (Tex. Gov't. Code § 29.055). The judge may not take further action in the case until the recusal motion is resolved, except for good cause stated in the order. For tertiary recusal motions, the judge must continue to preside over the case, but this does not relieve the court of its duty to ensure that the recusal process is handled impartially and in strict compliance with procedural rules (Tex. Gov't. Code § 25.00256).

14. Failure to follow these procedures undermines the integrity of the judicial process and can result in disciplinary action, removal from office, or

reversal of judicial decisions (Tex. Const. art. 5 § 1-a; *Sun Exploration and Production Co. v. Jackson*, 783 S.W.2d 202 (Tex. 1989)).

15. Therefore, if this Court chooses to not act *sua sponte* within a reasonable time, when the recusal motion follows – the involvement of the court coordinator should be prohibited, as her involvement in the prior two recusal proceedings lead to questionable actions, delay, and created conflicts of interest. The recusal procedure is designed to ensure public confidence in the judiciary, and her continued involvement has proven to have the opposite effect.

G. The Importance of Addressing Threshold Issues Before Final Trial

16. Proceeding to a final trial without first addressing the lack of participation by the opposing side, the current ‘agreed orders’ that bear one side’s signature, due process violations, and procedural objections would violate the fundamental principles of fairness and impartiality that underpin the Texas judicial system. The Texas Supreme Court has made clear that even the appearance of impropriety or bias is sufficient to require recusal, as public confidence in the judiciary is paramount. See *Sun Exploration and Production Co. v. Jackson*, 783 S.W.2d 202 (Tex. 1989); See also *Sears v. Nueces County Sherriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000)).

17. Moreover, Texas law provides that an interlocutory appeal from certain orders, such as those granting or refusing a temporary injunction, stays the commencement of a trial in the trial court pending resolution of the appeal (Tex. Civ. Prac. and Rem. Code § 51.014). This underscores the principle that threshold issues must be resolved before a case can proceed to final disposition.

H. The Consequences of Judicial Inaction

18. The record reflects a pattern of judicial inaction, procedural irregularities, and potential bias that, if left unaddressed, would not only harm the parties but also erode public confidence in the judiciary. The Texas Supreme Court has held that judicial decisions rendered under circumstances that suggest bias, prejudice, or favoritism undermine the integrity of the courts and thwart the principles on which the judicial system is based. See *Sun Exploration and Production Co. v. Jackson*, 783 S.W.2d 202 (Tex. 1989)).

19. In this case, the court's failure to address dispositive motions, recusal proceedings in accordance with the Texas Rules of Civil Procedure, and due process violations—despite repeated and documented efforts by the Respondent—raises serious questions about the impartiality and integrity of the proceedings. The court's obligation is not merely to move cases to final trial, but to ensure that justice is done in an orderly, fair, and transparent manner (Tex. Gov't. Code §

21.001). Here, this Court has permitted a non-prosecuting attorney to exist merely to block relief, not participate in the issues, and not comply with discovery requests, while allowing her client, Morgan Michelle Myers, to escape accountability for the deceptive pleadings and harm caused to the children.

IV. Conclusion

20. The Respondent, Charles Myers has done everything the law requires—and more—to have his concerns addressed by the 322nd District Court. The court is legally and ethically obligated to resolve all outstanding dispositive motions, procedural objections, and due process concerns before proceeding to a final trial. To do otherwise would violate the Texas Constitution, Government Code, Family Code, and binding Texas Supreme Court precedent, and would undermine the integrity of the judicial process and public confidence in the judiciary. The court must act now to restore fairness, impartiality, and justice to these proceedings.

21. Shall the court not provide an explanation for the conduct alleged herein, or at least *sua sponte* set a hearing on these issues, Respondent will initiate recusal proceedings, will pursue further Mandamus relief, and will pursue Federal Injunctive Relief for all involved parties in their individual capacities who have acted *ultra-vires* and played a part in the willful deprivation of constitutionally

protected rights, and will seek media attention to shed light on this unprecedented situation.

22. There is a national crisis regarding parental rights, and it's ramping up fast. Individuals such as Jeff Younger, Jeff Morgan, Jessica Saxton, Texas for Judicial Accountability, Robert Garza, and many others – many of whom the Respondent is in close connection with – are pushing for change.

23. The startling numbers from the 8th Administrative Region highlights an ongoing systemic issue regarding the public confidence in the judiciary. This court is now provided with another opportunity to help restore that confidence.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM
DATED: 08/27/2025
PRO-SE RESPONDENT

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, Respondent,
CHARLES DUSTIN MYERS, certifies that a true and accurate copy of this notice
was provided to all parties of record.

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM
DATED: 08/27/2025
PRO-SE RESPONDENT