

DKT (226)



1ST AMENDED MOTION FOR TEMPORARY ORDERS

FILED ON: 09/27/2024

FEE: \$0.00

FILER/REQUESTOR: CHARLES DUSTIN MYERS

NO. 322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE MATTER OF THE
MARRIAGE OF

MORGAN MICHELLE MYERS
AND CHARLES DUSTIN MYERS

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

First Amended Motion for
Temporary Orders

*EXPEDITED RELIEF REQUESTED BY
OCTOBER 1ST, 2024*

09/27/2024

FOREWORD

On **January 16th, 2024**, amid inclement weather, the Respondent was ordered to vacate the residency at a show cause hearing for an order of protection where a continuance was granted, and cause number **322-744263-23** was consolidated with cause number **322-744538-23** on the court's own motion, and the case was reset to **January 22nd, 2024**, and then again for **February 1st, 2024**, where a settlement agreement was quickly drafted and Respondent was advised to sign it by his former counsel.

This led to the subsequent termination of counsel, leaving Respondent to request an emergency hearing to vacate the associate judge's report for temporary orders, which was the only hearing to date in this case after **eight months**.

The unusual circumstances surrounding the initiation of this case warrant the court's reconsideration of the Respondent's original answer and subsequent briefs¹ filed before the initial setting. Given the evolving facts and the clear foresight demonstrated in these earlier submissions, Respondent respectfully urges the court to revisit these filings in the interest of ensuring a just resolution.

¹ THIS PLEADING IS INTERACTIVE AND BOOKMARKED
FOR THE COURT'S CONVENIENCE

FIRST AMENDED MOTION FOR TEMPORARY ORDERS

Pursuant to **Texas Family Code §§ 105.001(a)(3) and (a)(4)**, Respondent respectfully requests that the court issue the following temporary orders without notice or hearing to the Petitioner, for the safety and welfare of the children and in the interest of judicial economy:

1. Tex Fam. Code §§ 105.001(a)(3); (a)(4)

Temporary Orders Before Final Order

Respondent respectfully requests the court enter temporary orders:

A . Prohibiting Petitioner, MORGAN MICHELLE MYERS, from removing the children, **MARA EVONNE MYERS** and **CAROLINE ROSE MYERS**, beyond [REDACTED] while the case is pending, applied equally to Respondent.

B . Prohibiting Petitioner, MORGAN MICHELLE MYERS, or any third party acting on her behalf or with knowledge of this case, **from disturbing the peace and well-being of the minor children,** M [REDACTED] E [REDACTED] M [REDACTED] and C [REDACTED] R [REDACTED] M [REDACTED] **and Respondent, CHARLES DUSTIN MYERS,** during the pendency of this case, applied equally to Respondent..

2. Tex Fam. Code §§ 6.501

Temporary Restraining Order

Respondent respectfully requests that the court grant the following temporary restraining order without notice against the Petitioner in this matter:

C. Respondent, CHARLES DUSTIN MYERS, asks the court to **grant the following temporary restraining order against the Petitioner, MORGAN MICHELLE MYERS for the preservation of the property at [REDACTED] [REDACTED] and for the protection of the parties,** prohibiting Petitioner, MORGAN AND CHARLES MYERS, from:

(i) intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party;

(ii) threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party;

(iii) placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party;

(iv) intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party;

(v) threatening the other party or a child of either party with imminent bodily injury;

(vi) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage;

(vii) intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;

(viii) intentionally misrepresenting or refusing to disclose to the other party or to the court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

(xi) intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

(x) intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically

stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party;

(xi) destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;

(xii) using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account;

(xiii) excluding the other party from the use and enjoyment of a specifically identified residence of the other party;

3. Tex Fam. Code §§ 6.503

AFFIDAVIT, VERIFIED PLEADING, AND BOND NOT REQUIRED

D. Respondent, CHARLES DUSTIN MYERS requests the court issue the above orders without notice and hearing and in the absence of a verified pleading, affidavit, and dispense with the necessity of a bond on behalf of the parties, their children, and the protection of their property in connection with these orders pursuant to the Texas Family Code, section 6.503 without notice and hearing.

4. *Extraordinary relief*

E. Given the extraordinary circumstances of this case, Respondent, CHARLES DUSTIN MYERS, requests that the court order his return to the residency, where he will resume rent payments and begin transitioning and recovering from the ongoing deprivation that has lasted throughout the case. The Respondent has attached a proposed parenting plan which was overlooked on **January 16th, 2024**, when this court decided to order him to vacate the residency which he requires to financially support the Children during the pendency of the case.

F. Respondent, CHARLES DUSTIN MYERS further requests that the court vacate the orders currently in place *sua sponte* replacing them with the current orders, which will allow him to withdraw his Motion for Rehearing in the Supreme Court of Texas. Cause no. 24-0395.

G. The Respondent, CHARLES DUSTIN MYERS prays the Court will take swift action and intends to demonstrate through his actions how these orders suit the best interests of the children in this case.

H. The Respondent respectfully requests expedited action on this motion by October 1st, 2024, as he will be forced to temporarily relocate to Denton, Texas pending relief, which will further exacerbate the situation and will further separate him from his children.

CONCLUSION

i. The Petitioner appeared before this Court on December 14, 2023, requesting an ex-parte temporary order of protection, and subsequently filed a protective order on December 22, 2023. The Respondent contends that the Petitioner's narrative is an attempt to avoid accountability for her extramarital affairs which was discovered just prior to the initiation of her pleadings.

ii. While the Petitioner engaged in activities outside the marriage, the Respondent remained at home caring for the children. During the time the Petitioner pursued legal actions shortly before Christmas, the Respondent was preparing for the children's holiday. Since taking residence in the family home, the Petitioner has reportedly moved in her sister, reduced her employment to three hours per day, failed to complete the court-ordered parenting course, and is not contributing rent to her grandmother. The Respondent asserts that there is sufficient evidence on record to substantiate these claims, and predicted this exact outcome within his first pleadings within the clerk's record, attached hereto.

iii. The Respondent believes that this case has been conducted in the best interest of the Petitioner rather than the children, a concern that has been repeatedly raised without response. The current orders in place are lack lawful foundation, and there has been minimal meaningful engagement from the Petitioner's attorney. The Respondent is concerned about the ongoing financial

erosion affecting the children's well-being and sees no logical basis to consider the existing arrangements as serving their best interests.

iv. Granting this motion would initiate a long-overdue healing process. The Petitioner should be required to explain her actions and be held accountable. The Respondent emphasizes the critical need for access to the residence to provide for the children while seeking alternative accommodations nearby. This need is argued to take precedence over the Petitioner's desire to protect herself from the consequences of her own actions.

v. The Respondent respectfully urges the Court to intervene and make a decision that genuinely serves the best interests of the children.

vi. If anything else – the orders currently in place show the truth. Mother can't pay rent, hasn't completed her responsibilities for the Children, and has reduced her employment. Father has followed all aspects of the orders that he is able to given the circumstances.

vii. So long as the Children are in Father's care and he is given a fair amount of time to transition from the residency to ensure that he may still provide for his Children financially while the case is pending, the status quo will be maintained.

viii. Father has overwhelming evidence to support all claims herein, already served to Petitioner, and without response, and already on the record.

Respondent prays that this Court will consider the totality of the case, and grant this motion to rightfully restore the status quo.

PRAYER FOR EXPEDITED RELIEF

Respondent requests the following expedited relief:

1. Vacate the current orders, which were entered in violation of the Respondent's right to due process and a fair hearing. These orders were rendered as "agreed" without the Respondent's consent and are unsupported by any motion that was properly served on him.
2. Grant the Respondent's motion for temporary orders without notice or hearing to the Petitioner, restoring the status quo for the children and enabling the Respondent to meet his financial obligations related to the Children and allow healing to begin.
3. Provide a provision allowing the Respondent to return to the residence at [REDACTED] where he was wrongfully removed including the option for Petitioner to reside there as well if she so chooses.
4. Strike all pleadings from the Respondent other than the Rule 12 motion to show authority and the summary judgement motion in the interest of judicial economy.
5. Grant any further relief that this Court finds equitable, just, and appropriate so that we may finally get this case headed in the right direction and in alignment with the Children's best interest.

Respectfully submitted,

Charles Dustin Myers
CHARLES DUSTIN MYERS



Chuckdustin12@gmail.com

817-507-6562

PRO-SE

CERTIFICATE OF CONFERENCE

Pursuant to Tarrant County Local Rules 4.01(10)(a) & 4.01(10)(b), a conference was not held with Morgan Michelle Myers due to her failure to respond to email correspondence sent on 09/24/2024. However, Respondent certifies that the merits of this First Amended Motion for Temporary Orders was fully communicated to the Petitioner and would be in the best interests of the minor children.

s Charles Dustin Myers
CHARLES DUSTIN MYERS
[REDACTED]
[REDACTED]
Chuckdustin12@gmail.com
817-507-6562
PRO-SE

CERTIFICATE OF SERVICE

Respondent hereby certifies that on **09/27/2024**, a true and correct copy of this **First Amended Motion for Temporary Orders** was served on the following parties via electronic service through the **Electronic Filing Manager (EFM)** and via email to the email address on record, pursuant to **Texas Rules of Civil Procedure 21(a)**:

Served to:

1. Morgan Michelle Myers, Petitioner via electronic filing system.
2. Cooper Carter via electronic filing system.

Email Addresses for Service:

1. coopercarter@majadmin.com
2. morganmw02@gmail.com

/s/ Charles Dustin Myers
Charles Dustin Myers


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