



25-0426

HON. EVANS MANDAMUS RECORD

05.19.25

No.25-_____

IN THE
SUPREME COURT OF TEXAS

IN RE: CHARLES DUSTIN MYERS, RELATOR.

On Petition for Writ of Mandamus
to the 322nd Judicial District Court, Tarrant County
Cause Number 322-744263-23
Hon. David L. Evans Presiding

MANDAMUS RECORD

Respectfully submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
6641 Anne Court
Watauga, Texas 76148

Emergency Relief Requested

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M.3564

M.3564

MR 1

M.3564

M.3564

CAUSE NUMBER: 322-744263-23

IN THE MATTER OF
THE MARRIAGE OF

MORGAN MYERS
AND
CHARLES MYERS

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

§ IN THE DISTRICT COURT

FILED
TARRANT COUNTY
4/23/2025 12:50 PM
THOMAS A. WILDER
DISTRICT CLERK

§ 322ND JUDICIAL DISTRICT

§ § § § TARRANT COUNTY, TEXAS

NOTICE SETTING A COURT PROCEEDING

On this date the Court set a Court Proceeding.

A Court proceeding is set before the 322nd District Judge, Family Law Center, Fourth Floor, 200 E. Weatherford Street, Fort Worth, Texas 76196.

The Court proceeding is set on the 29 day of April, 2025 at
9:00 o'clock A.M.

This is an in person proceeding and your presence is required.

The Court's designated contact information is found in the Tarrant County Website which is located at www.tarrantcountytexas.gov. The Court Coordinator, concerning scheduling questions, is Lindsey Baker. Her telephone number is (817) 884-1597. Her email is lbaker@tarrantcountytexas.gov.

The purpose of the hearing is to set the case for final trial and enter a Pre-Trial Scheduling Order.

SIGNED this 22nd day of April, 2025

JUDGE PRESIDING

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Envelope ID: 99990328

Filing Code Description: No Fee Documents

Filing Description:

Status as of 4/23/2025 3:52 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/23/2025 12:50:13 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/23/2025 12:50:13 PM	SENT

M.3567

M.3567

MR 2

M.3567

M.3567

April 23, 2025

EFILE

Clarissa Hodges
Clerk, Second Court of Appeals
Tim Curry Criminal Justice Center
401 West Belknap, Suite 9000
Fort Worth, Texas 76196-0211

Re: Court of Appeals Number: 02-25-00166-CV

Trial Court Case Number: 322-744263-23

Subject: Related case notice and trial court actions

Dear Ms. Hodges,

This letter is filed pursuant to rule 9.6 of the Texas Rules of Appellate Procedure.

The undersigned acknowledges the recent involvement of the Texas Attorney General's office and reiterates that the instant matter has two additional mandamus proceedings involving the same parties. (02-25-00164-CV, 02-25-00171-CV).

Furthermore, the trial court below (322nd) continues to risk further procedural errors by moving to set court proceedings outside the bounds of the Texas Rules of Civil Procedure through informal email notifications.

This letter serves as formal notice of concern that the trial court's recent actions risk further procedural error and may necessitate additional appellate or emergency relief. This letter is submitted to apprise the Court of these developments and preserve the record should further filings become necessary.

An objection has been duly filed in the trial court and served on all parties of record.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Chuckdustin12@gmail.com
Relator

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Envelope ID: 99978691

Filing Code Description: Letter

Filing Description: Notice of Related Cases

Status as of 4/23/2025 1:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		CHUCKDUSTIN12@GMAIL.COM	4/23/2025 10:36:19 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/23/2025 10:36:19 AM	SENT
COOPER L.CARTER		COOPERCARTER@MAJADMIN.COM	4/23/2025 10:36:19 AM	SENT
JEFF NKAITCER		LKBaker@tarrantcountytx.gov	4/23/2025 10:36:19 AM	SENT
Deterrean Gamble		deterrean.gamble@texasattorneygeneral.gov	4/23/2025 10:36:19 AM	SENT
Nicole Loya		nico.loya@oag.texas.gov	4/23/2025 10:36:19 AM	SENT
Matthew Deal		matthew.deal@texasattorneygeneral.gov	4/23/2025 10:36:19 AM	SENT

M.3570

M.3570

MR 3

M.3570

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322-744263-23

NO. 322-744263-23

FILED
 TARRANT COUNTY
 4/23/2025 11:13 AM
 THOMAS A. WILDER
 DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS**ITMOMO**

(AITIO M.E.M., C.R.M., two children)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,Objection to Trial Setting and Request for Stay
of Proceedings

Respondent.

2025-04-23

TO THE HONORABLE COURT:

The undersigned, Charles Dustin Myers, respectfully objects to any attempt to set the above referenced matter for any trial setting, and in support of this objection, shows the following:

Three concurrent mandamus

There are currently three pending mandamus petitions awaiting resolution in the Second Court of Appeals seeking redress from recent actions taken by COOPER L. CARTER, counsel for Petitioner, to thwart emergency TRO proceedings in the 233rd District Court of Tarrant county.

In sum, these mandamus petitions address the following alleged errors:

1. Void orders; (this case) 02-25-00166-CV
2. Improper consolidation; 02-25-00171-CV
3. Refusal to rule. 02-25-00164-CV

Current issues

Currently, there are several issues that remain unaddressed that need to be resolved:

1. The entire case foundation is fraudulent due to Petitioner's pleadings.
2. The undersigned has sought relief from this situation since March 14, 2024, when the original orders issued on January 16, 2024, which removed the undersigned from his home without the required findings, were leveraged into a settlement agreement that was not consented to by all of the parties and did not serve the best interests of the children.
3. COOPER L. CARTER's authority remains in question, and her inactivity combined with the ambiguity surrounding her representation must be addressed.
4. The undersigned has been forced to live in transient housing and incur extraordinary damages to his business operations due to the Petitioners fraudulent allegations which were never supported by evidence.
5. The children in this matter continue to suffer ongoing and irreparable harm from being separated from their father unjustifiably.
6. There is no child support set up for the children.

Informal service

Furthermore, the court continues to issue notices informally through the court coordinator, which is improper.

Pursuant to Texas Rules of Civil Procedure Rule 21a, service of a notice via email directly, rather than through the electronic filing manager (EFM), does not constitute proper

service if the email address is on file with the EFM. Texas courts have consistently held that electronic service must be made through the EFM when the recipient's email address is registered there. The undersigned's email is registered with the EFM.

Conclusion

Because the undersigned has an email on file with the EFM, there is no court order requiring alternative service, and there is no agreement waiving formal service, any notice of court proceedings not in compliance with rule 21a of the Texas Rules of Civil Procedure is improper.

Furthermore, because there are several issues that remain unaddressed, such as COOPER CARTER'S authority, the ongoing mandamus proceedings, the ongoing irreparable harm to the children, and the facially void orders which have caused detrimental effects to the undersigned, the risk of these issues creating future delays remains high.

The undersigned is prepared to challenge any adverse actions taken against him in the face of these issues and will seek relief until this matter is resolved in accordance with the principles of fairness and justice. The undersigned requests that the court stay all future proceedings until the above matters are resolved.

Respectfully submitted,

/s/ *Charles Dustin Myers*
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
6641 ANNE COURT
WATAUGA, TEXAS 76148
817-546-3693

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Envelope ID: 99982204

Filing Code Description: No Fee Documents

Filing Description: Objection to Informal Service

Status as of 4/23/2025 2:47 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/23/2025 11:13:18 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/23/2025 11:13:18 AM	SENT

M.3575

M.3575

MR 4

M.3575

M.3575



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-25-00166-CV

IN RE CHARLES DUSTIN MYERS

Original Proceeding
322nd District Court Tarrant County, Texas
Trial Court No. 322-744263-23

ORDER

We have considered relator's "Motion for En Banc Reconsideration."

It is the opinion of the court that the motion for en banc reconsideration should be and is hereby denied and that the opinion and judgment of April 15, 2025, stand unchanged.

We direct the clerk of this court to send a notice of this order to the relator and attorneys of record.

Dated April 24, 2025.

Per Curiam

En Banc

M.3577

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MR 5

M.3577

M.3577

322-744263-23

NO. 322-744263-23

FILED
TARRANT COUNTY
4/24/2025 12:34 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Plea to the Jurisdiction

Respondent.

2025-04-24

TO THE HONORABLE JAMES MUNFORD:

The record reveals a pattern of the Court acting beyond its jurisdiction: on **January 16, 2024**, the Court ousted Respondent from the marital residence **without any finding of family violence or protective order**; on **March 26, 2024**, the Court entered “Agreed” Temporary Orders **without Respondent’s consent**, flouting the statutory procedures for entry of such orders. These actions violate Respondent’s due process rights and the Texas Family Code. Under Texas law, orders issued **without jurisdiction or in the absence of a party’s consent are void** and cannot confer jurisdiction. Respondent asks the Court to recognize these fundamental defects and dismiss the current orders as a matter of law.

Until these orders are resolved, or the court issues written findings regarding their legitimacy, Respondent will not appear and risk further deprivation of his rights from this court.

I. INTRODUCTION

Petitioner filed a divorce petition under Title 5 of the Texas Family Code on December 18, 2023. That petition did not seek exclusive possession of the residence or ask that Respondent be excluded from the home. Shortly thereafter, on December 22, 2023, Petitioner filed a separate **Application for Protective Order** under Title 4 of the Family Code, in which she explicitly requested exclusive possession of the home, removal of Respondent, and child support. The Court consolidated the protective-order case into the divorce case.

On January 16, 2024, the court—without holding an evidentiary hearing or finding family violence—entered Temporary Orders granting Petitioner exclusive possession of the home and primary custody and child support, and requiring Respondent to vacate the residence that same day. No protective order was ever issued and no findings of family violence were made, even though Tex. Fam. Code §§ 83.006 and 85.001 plainly require such findings. In the weeks that followed, the court continued these arrangements and ultimately entered “Agreed” Temporary Orders (March 26, 2024) allocating parenting time and support. All of these extreme orders were based solely on Petitioner’s Title 4 application (and allegations of family violence), and no amendments to the pleadings were ever filed to convert the case into a Title 5 SAPCR. Respondent never received any notice or hearing on custody, possession, or support issues under Title 5.

II. Legal Standards

The trial court’s authority is strictly limited by the statutes and pleadings. It may consider only the claims and relief expressly pleaded by the parties, and must follow the Family Code’s procedures for protective orders and SAPCRs. Subject-matter jurisdiction is a threshold issue: if

the court acted beyond the law, its orders are void. A plea to the jurisdiction is decided as a matter of law when the relevant facts are undisputed (see *Tex. Dep’t of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 228 (Tex. 2004)). Here, the material jurisdictional facts are not in dispute.

III. Title 4 (Protective Order) Proceedings Cannot Support Custody or Support

Under Texas law, a protective-order proceeding (Title 4) is *not* a custody (SAPCR) proceeding (Title 5). The San Antonio Court of Appeals recently reaffirmed that without a proper SAPCR petition under Title 5, a court may not award conservatorship, possession, or support. In *Rivera v. Figueroa* (Tex. App.–San Antonio 2019), the court held that orders issued in a protective-order case cannot support conservatorship or child-support relief unless a Title 5 petition was filed and noticed. Likewise, *In re Sheffield*, 639 S.W.2d 270 (Tex. App.–Dallas 1982), long held that Title 4 and Title 5 proceedings are jurisdictionally separate: “a court may not grant relief beyond the scope of the protective-order statute without compliance with the SAPCR statutes” (*sheffield*, 639 S.W.2d at 272-73). Here, Petitioner’s December 22 Title 4 application was never amended or converted into a Title 5 petition. Respondent never waived notice or a hearing on conservatorship/possession issues. The court’s decision to exclude Respondent from the home and divest him of custody on January 16, 2024 therefore had no jurisdictional basis. In short, “[w]ithout a valid protective order in place, the court lacked jurisdiction to continue enforcing the extreme relief originally granted”.

IV. Statutory Prerequisites for Exclusion and Protective Orders Were Not Met

Even if the court treated the relief as a protective-order, the Family Code’s strict requirements were ignored. Tex. Fam. Code § 83.006(a) permits exclusion of a party from the

home *only* if (1) the applicant files a sworn affidavit describing facts requiring exclusion, and (2) appears at the hearing to testify on those facts. Section 83.006(b) further requires that the court make three findings: (i) the applicant resides (or recently resided) at the premises, (ii) the other party committed family violence within the past 30 days, and (iii) there is a clear and present danger of future family violence. Likewise, § 85.001(a) mandates that at the close of a protective-order hearing, the court must explicitly find whether family violence occurred. If so, the court “*shall*” issue a protective order against the perpetrator. In this case, none of these prerequisites were satisfied. Petitioner did file an application and affidavit, but no hearing on January 16 (or thereafter) produced any finding of family violence. The court did not issue a protective order as the statute requires, and instead simply extended the eviction and custody restrictions indefinitely. By failing to hold a hearing, make any family-violence finding, or enter a protective order, the court “bypass[ed] the statutory prerequisites” entirely. Without those statutorily required findings, the January 16 “kick-out” and custody order was outside the court’s power.

V. All Orders Exceeding the Pleadings or Statutory Authority Are Void

It is a bedrock rule that a Texas court must confine its rulings to the relief requested by the pleadings and authorized by statute. Any order beyond that scope is void. The Houston First Court of Appeals has stated that “[a]n order purporting to grant relief beyond the pleadings is void ab initio”. In *Guillory v. Boykins*, 442 S.W.3d 682, 690 (Tex. App.–Houston [1st Dist.] 2014, no pet.), the court held that where a trial court lacks jurisdiction or statutory authority to grant the relief, the order is void. Similarly, *In re P.M.G.*, 405 S.W.3d 406, 416–17 (Tex. App.–Texarkana 2013, no pet.), confirms that orders entered without pleadings or outside statutory scope are null. Here, not only did the protective-order pleadings not include any SAPCR claims,

but the later “agreed” orders on March 26, 2024 were not signed or even consented to by Respondent (violating Tex. R. Civ. P. 11). In short, every custody and exclusion order in this case was “predicated on a void order”. As the Second Court of Appeals recognized in *In re C.L.*, 933 S.W.2d 402, 405 (Tex. App.—Fort Worth 1996, no writ), an order that is void ab initio “cannot form the basis for any valid subsequent judgment”. That’s exactly what is happening here. The court is now moving to finalize fraud, constitutional deprivation, and is trying to finalize its’ original excision of Respondent’s constitutional rights. The court cannot destroy a family and then move to finalize that without a lawful basis, and over orders that are fundamentally void.

IV. Violation of Respondent’s Constitutional Rights to Due Process and Family Integrity

The trial court’s actions not only violated statute but also trampled Respondent’s fundamental constitutional rights. By evicting the Respondent from his home and effectively separating him from his children with **no prior notice or opportunity to be heard**, the court deprived him of liberty and property without due process of law. This violates **Article I, § 19 of the Texas Constitution** (the “due course of law” guarantee) and the **Fourteenth Amendment to the U.S. Constitution**. Now, the court seeks to *finalize* this fundamental error amidst an ongoing appeal, showing a continuous and complete disregard for the Respondent’s rights.

A. Deprivation of Property Without Due Process

The January 16 order forced Respondent to vacate his own home on the same day it was issued. A person’s right to occupy their home is a significant property interest, protected by due process. Yet Respondent was ousted immediately, with no notice that such relief would be sought and no chance to contest the allegations. The Texas Constitution and the 14th Amendment both forbid the State from depriving any person of property without due process of law. *Fuentes v. Shevin*, 407 U.S. 67, 81-82 (1972) (even temporary, non-final deprivations of property require

notice and hearing absent extraordinary circumstances). While Texas law does allow ex parte orders in truly exigent circumstances, those orders must be narrowly tailored and followed promptly by a full hearing. Here, the statutory requirements for an ex parte *kick-out* were disregarded, and Respondent was left homeless and separated from his belongings based on one-sided assertions. This is precisely the kind of state action that due process is meant to guard against.

B. Deprivation of Parental Rights Without Due Process

Even more critically, the court's orders infringed Respondent's fundamental right to parent his children, also without due process. A parent's interest in the care, custody, and control of their children is **fundamental**. The United States Supreme Court has recognized that "the interest of parents in the care, custody, and control of their children...is perhaps the **oldest of the fundamental liberty interests** recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality op.). Likewise, the Texas Supreme Court has affirmed that "the fundamental right of parents to make decisions concerning the care, custody, and control of their children" is constitutionally protected. *In re C.J.C.*, 603 S.W.3d 804, 811 (Tex. 2020) (citing *Troxel*, 530 U.S. at 66). Governmental interference with this right is subject to strict scrutiny and must be accomplished only with rigorous procedural safeguards.

Here, Respondent's removal from the home effectively **altered custody of the children** without any hearing or finding of unfitness. Respondent went from being an equal managing conservator of the children to having *zero possession or access* (by virtue of being excluded from the home and the children's presence) overnight and without notice. This is a profound deprivation of parental rights. As the U.S. Supreme Court held in *Stanley v. Illinois*, an unwed father could not be presumed unfit and have his children taken without a hearing – "**the Due**

Process Clause of the Fourteenth Amendment requires that [a father] be given a hearing on his fitness as a parent **before** his children are removed from his custody.” *Stanley v. Illinois*, 405 U.S. 645, 649 (1972) (emphasis added). The State “**cannot, consistently with due process, merely presume**” a parent’s unfitness or danger and bypass a hearing; “**parental unfitness must be established on the basis of individualized proof**” before a child is taken away. *Id.* at 647, 649. Yet in Respondent’s case, the court did exactly what *Stanley* forbids – it presumed the necessity of removing the father, without any adversarial testing of the evidence or finding of actual misconduct and left the determination for later (a hearing that kept getting postponed). This violated Respondent’s **procedural due process** rights to be heard *before* being deprived of custody of his children.

Moreover, the **substantive** aspect of due process was violated. There is a “**strong presumption** that the best interest of a child is served by remaining with a fit parent.” *Troxel*, 530 U.S. at 68-69. The government may not “infringe on the fundamental right of parents to make child rearing decisions **simply because a state judge believes a ‘better decision’ could be made.**” *Id.* at 72 (plurality op.). In the absence of any evidence or finding that Respondent was an unfit or dangerous parent, removing his children from him was an arbitrary infringement on his fundamental liberty interest. The orders entered in this case prioritized a one-sided allegation over a father’s constitutional rights, in a manner repugnant to both the Texas and U.S. Constitutions. Article I, Section 19 of the Texas Constitution guarantees that no citizen shall be deprived of liberty or property **except by the due course of the law of the land** – here, Respondent was deprived of both without the lawful procedures or any adjudication of wrongdoing.

In sum, the process (or lack thereof) employed by the court fell far short of constitutional requirements. This constitutional infirmity is independently sufficient to render the court's orders void. A judgment entered in violation of due process is void and subject to collateral attack.

Peralta v. Heights Medical Center, Inc., 485 U.S. 80, 84-85 (1988) (judgment rendered without proper notice violates due process and is void). The proper remedy for a void order that stems from a due process violation is to declare it a nullity and dismiss any action that cannot proceed without it.

VI. Plea to the Jurisdiction Must Be Granted

The undisputed record shows no factual or legal basis for the court's jurisdiction over the extreme relief granted. Under *Miranda v. Texas Dept. of Parks & Wildlife*, a plea to the jurisdiction should be granted as a matter of law if the jurisdictional facts are undisputed or uncontroverted by competent evidence. Here, there is no genuine issue that (a) no protective order was issued and no findings of family violence were made, (b) no Title 5 SAPCR notice of hearing exists on the record, or was ever on file, and (c) all of Petitioner's requests for home exclusion and support were styled under Title 4 and unsupported by any pleaded conservatorship claim. The court cannot "proceed further on the merits" without first resolving these fundamental defects. Because these jurisdictional defects are purely legal, a full evidentiary hearing is unnecessary – the Court should rule as a matter of law that it never had authority to enter any of the challenged orders, vacate them accordingly, and allow the status quo to reset. Additionally, the March 14, 2024, orders are a mere extension of the initial orders, which claim consent where consent is not present. These orders must be vacated as a matter of law as this court has no power to rule on void orders.

Respondent puts the court on notice that this plea serves as non-appearance notice in that he will not participate in any further proceedings until these issues are resolved in writing on the record, and will challenge any orders or decisions made prior to the resolution of these issues.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Charles Dustin Myers respectfully prays that the

Court:

1. Rule, as a matter of law, that the January 16, 2024, exclusion and custody order and all subsequent temporary orders are **void ab initio** for lack of subject-matter jurisdiction;
2. Vacate and rescind those orders, and dismiss with prejudice any custody, possession, or support claims that rest on them; alternatively, dismiss all SAPCR claims for want of proper pleadings, notice, and jurisdiction;
3. Issue a written ruling on this plea as required by law, and stay all further proceedings in this case pending resolution of this jurisdictional challenge; and
4. Grant such other and further relief, at law or in equity, to which Respondent may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 Anne Court
Watauga, Texas 76148
817-546-3693
Chuckdustin12@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Plea and Motion has been served on counsel for Petitioner on this 24th day of April 2025.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

Pro-se respondent

Automated Certificate of eService

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Envelope ID: 100044997

Filing Code Description: Motion (No Fee)

Filing Description: PLEA TO THE JURISDICTION

Status as of 4/24/2025 2:56 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/24/2025 12:34:31 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/24/2025 12:34:31 PM	SENT

M.3589

M.3589

MR 6

M.3589

M.3589

322-744263-23

FILED
TARRANT COUNTY
4/25/2025 1:44 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY

In the 322nd Judicial District Court, Tarrant County

Cause No. 322-744263-23

Hon. James Munford Presiding

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

AND IN THE INTEREST OF M.E.M. AND C.R.M., TWO CHILDREN

MOTION TO RECUSE

Submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
6641 Anne Court
Watauga, Texas 76148

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CONSTITUTIONS

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TO THE HONORABLE DAVID L. EVANS OF THE 8TH ADMINISTRATIVE

JUDICIAL REGION OF TEXAS:

This Court's impartiality is now irrevocably in question. The act of setting this case for final trial after sustaining over a year of irreparable harm while appellate proceedings remain unresolved is itself an act of partiality warranting mandatory recusal pursuant to Tex. R. Civ. P. 18b(b)(1) and 18b(b)(2) on the grounds that the partiality of the tribunal is reasonably in question, and there is a clear personal bias and prejudice exhibited towards the undersigned.

I. TIMELINESS

The timeliness of this motion comes three days before a scheduled court proceeding, which is intended to “set the case for final trial and to enter a pre-trial scheduling order”. **(TAB A)** However, this flies in the face of three concurrent mandamus proceedings pending before the Second Court of Appeals, which concurrently seek redress for 1) the refusal of Hon. Kate Stone to hear a properly filed emergency TRO ([No. 02-25-00164-CV](#)), to seek vacatur of the orders issued beyond the court’s jurisdiction by Hon. Jeff Kaitcer on March 14, 2024 ([No. 02-25-00166-CV](#)), **(TAB B)** and to reverse an improper consolidation motion granted *sua sponte* by Hon. Kenneth Newell. ([No. 02-25-00171-CV](#)) All three mandamus petitions are at the *en banc* rehearing stage, except for cause number [02-25-00166-CV](#) which was denied *per curiam* on April 24, 2024.

Despite the upcoming setting, the exception pursuant to Tex. R. Civ. P. 18a(b)(1)(B)(i) applies. The act of scheduling this matter for final trial itself constitutes grounds for recusal by casting doubt upon the tribunal's impartiality. The undersigned could not have anticipated that this final trial setting would suddenly arise amidst ongoing appellate proceedings, especially given that the case has remained inactive since September of 2024.

Significantly, the opposing party has only recently re-engaged with the case after emergency relief was requested by the undersigned in the 233rd District Court due to the continuing harm inflicted upon him and his children by these unresolved issues. Thus, this abrupt effort to proceed with final trial under the prevailing circumstances starkly demonstrates judicial bias, further reinforcing the necessity of recusal at this juncture.

II. PRIOR RECUSAL

The undersigned must also note that this marks the second recusal motion filed in this case, the first occurring on October 7, 2024, which was denied on November 7, 2024, by visiting retiring Justice Gabriel.(TAB C) The motion was denied stating a “failure to appear”, however, all parties agreed to reset the case to a later due to a dental emergency sustained by the undersigned.(TAB D) There was no mention of this emergency in the order. Finally, it wasn’t until over *four months later* that the judges were reinstated back into the case, because the undersigned

had to remind the court coordinator when seeking a ruling on his still un-opposed summary judgement that's been on the docket since February 22, 2024, to reinstate Hon. Munford and Hon. Kaitcer.**(TAB E)** Had the undersigned not proactively reached out, there wasn't any indication that the reinstatement would have occurred.

III. PROCEDURE

The correct procedural framework required in these proceedings, particularly considering the irregular handling of prior matters, must be restated here:

First, pursuant to Tex. R. Civ. P. 18a(e)(1), "...the clerk of the court must immediately deliver a copy to the respondent judge and to the presiding judge of the administrative judicial region in which the court is located." Therefore, the undersigned formally objects to **any handling from the court coordinator** regarding these proceedings. In the prior matter there were amended referrals, modified pleadings, and an otherwise straightforward process became ambiguous.

(TAB F)

Second, pursuant to *Id.* 18a(e)(2): "[w]hen a respondent judge signs and files an order of recusal or referral, the clerk of the court must immediately deliver a copy to the regional presiding judge." The same applies here as to point one. No disrespect is intended; this assertion is made solely insofar as the governing statute confers no such authority to court coordinators.

Third, pursuant to *Id.* 18a(g)(6)(C), the undersigned respectfully requests that this matter be set for hearing by telephone at the earliest practicable time, considering the undersigned's current financial hardship and lack of stable residence. The nature and complexity of the underlying issues are not easily reducible to writing, which is precisely why this matter has suffered from prolonged procedural silence rather than meaningful discussion grounded in the record. A telephonic hearing is necessary to afford the Court a clearer understanding of the facts and to ensure due process is meaningfully observed.

Fourth, should this motion be granted, the undersigned respectfully requests that this case be reassigned to an entirely different judicial district, given that both the 233rd and 322nd District Courts are presided over by judges directly implicated in the procedural and constitutional irregularities described herein.

Fifth, if the Honorable Regional Presiding Judge chooses to refer this motion, the undersigned requests that the alternative language of *Id.* 18a(g)(1) be exercised so that the motion may be referred to the **Chief Justice of the Supreme Court of Texas** given the circumstances of this matter, as explained in more detail below.

Finally, pursuant to *Id.* 18a(f)(1)(A), the undersigned respectfully urges the Honorable James B. Munford to voluntarily recuse himself in order to avoid further delay and to restore confidence in the fair and impartial administration of

justice, or in the alternative, vacate the March 14, 2024 orders for want of consent, and set cause number #322-744263-23 for a pre-trial conference no later than 14-days from the decision, effectively rendering moot these recusal proceeding.

The persistent and unexplained judicial inaction—particularly in the face of repeated requests for emergency relief—has caused ongoing, irreparable harm to the undersigned and his minor children. Such circumstances are fundamentally incompatible with both the due process protections guaranteed by law and the best interest standard governing all family law proceedings in this State. There is no logic in proceeding to final trial in the current circumstance. One party cannot unilaterally decide the matter, especially when they remain silent in the face of serious, un-rebutted allegations.

IV. GROUNDS FOR RECUSAL

A. STANDARD FOR RECUSAL

A motion to recuse is the appropriate procedural mechanism to challenge a judge's impartiality. *Sanchez v. State*, 926 S.W.2d 391, 394 (Tex. App.—El Paso 1996, pet. ref'd). Under **Texas Rule of Civil Procedure 18a(a)**, any party may file a verified motion stating with particularity the grounds upon which the presiding judge should not sit.

In addition to the statutory bases for recusal, the **Due Process Clause of the Fourteenth Amendment** provides an independent constitutional floor: recusal is required where the probability of actual bias is too high to be constitutionally tolerable. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 872 (2009) (citing *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). That standard is met where, under the totality of circumstances, a judge's continued participation creates an unacceptable risk of bias—whether due to prior involvement, one-sided procedures, or unchecked discretion applied to the detriment of one party.

Here, the cumulative record demonstrates a pattern of prejudice, one-sided decision-making, and disregard for both procedure and fundamental rights, rising well beyond the constitutional threshold described in *Caperton*. Recusal is not merely appropriate—it is required, as explained below.

B. BIAS

The level of bias against the undersigned started on day one. Without any factual basis, without holding an evidentiary hearing, and without eliciting any testimony from the Petitioner, the undersigned was ordered to vacate the residence that same day. (TAB F) No protective order was ever issued, no findings of family violence were made, even though Tex. Fam. Code §§ 83.006 and 85.001 plainly require such findings.

This decision, even though temporarily, severed the parent-child relationship without any lawful basis. The Family Code's strict requirements were ignored. Tex. Fam. Code § 83.006(a) permits exclusion of a party from the home *only* if (1) the applicant files an affidavit describing facts requiring exclusion, and (2) appears at the hearing to testify to those facts. Section 83.006(b) further requires that the court make three findings: (i) the applicant resides (or recently resided) at the premises, (ii) the other party committed family violence within the past 30 days, and (iii) there is a clear and present danger of future family violence.

The only thing before the court were *allegations* of family violence, which were never substantiated. Rather, they were leveraged into a settlement agreement that removed the children from their own home in February of 2024. (**TAB G**) A court cannot sever a parent-child bond on mere *allegations*. Tex. Fam. Code 153.002. Yet here, that's what has occurred, and the undersigned has sought answers from this court – and has received nothing but complete silence.

Now, over fourteen months later, a facially invalid consent judgement has been permitted to destroy the lives of not only the undersigned – but his children, all while enabling the Petitioner, MORGAN MICHELLE MYERS, to get away with her deliberate scheme to undermine the judiciary that remains un-opposed on the face of the record. A cursory glance at page 1 versus page 38 of an excerpt of

these orders reveals this defect. (**TAB B.1** “The parties have agreed to the terms of this order as evidenced by the signatures below”)

In essence, Hon. James Munford’s initial decision to oust a father from his own home was unlawful and instead of explain his decision or support it with legal authority, he has chosen to ignore it and now moves to set the matter for final trial in the midst of the undersigned’s attempt to seek relief from a fraudulent consent judgement where only one-half of the parties signatures appear. (**TAB B.10**) This is not just prejudicial; this is such a significant level of deliberate bias that it must be reconciled through recusal. The court cannot just sit on its’ hands and wait for the undersigned to exhaust his appeal efforts after depriving him unlawfully of his core interests protected by the

Moreover, the **substantive** aspect of due process was violated. There is a **“strong presumption** that the best interest of a child is served by remaining with a fit parent.” *Troxel v. Granville*, 530 U.S. at 68-69. The government may not “infringe on the fundamental right of parents to make child rearing decisions **simply because a state judge believes a ‘better decision’ could be made.**” *Id.* at 72 (plurality op.). In the absence of any evidence or finding that Respondent was an unfit or dangerous parent, removing his children from him was an arbitrary infringement on his fundamental liberty interest. The orders entered in this case prioritized a one-sided allegation over a father’s constitutional rights, in a manner

repugnant to both the Texas and U.S. Constitutions, which guarantee that no citizen shall be deprived of liberty or property **except by the due course of the law of the land.** Here, Respondent was deprived of **liberty and property interests** without lawful procedures or any adjudication of wrongdoing, in violation these fundamental protections. **U.S. Const. amend. XIV, § 1.** Further, no equal protection or due course of law has been afforded to the undersigned, demonstrating further unexplained bias, in violation of **Tex. Const. art. I, §§ 3, 19.**

C. PREJUDICIAL DOCKET MANAGEMENT

A court has the inherent authority to control its own docket. See *Ho v. University of Texas at Arlington*, 984 S.W.2d 672, 694-95 (Tex.App.-Amarillo 1998, pet. denied) Whether a reasonable period has lapsed in which to rule on a pending matter is dependent on the circumstances of each case. *Ex parte Bates*, 65 S.W.3d 133, 134-35 (Tex. App.—Amarillo 2001, orig. proceeding). Other factors considered in determining whether a reasonable time has passed are the state of the trial court's docket and other judicial and administrative duties that must be addressed. *In re Villarreal*, 96 S.W.3d 708, 711 (Tex. App.—Amarillo 2003, orig. proceeding).

Here, in this matter, the undersigned has dispositive motions on the docket that would afford him the much-needed relief, yet the court chooses to prioritize motions that favor the opposition. For example, the oldest sitting motion is a

Motion for Summary Judgement filed on Feb 22, 2024, seeking to defeat the baseless claims of violence that were raised him at the onset of this case.

Next, there exists a pending Rule 12 Motion challenging COOPER L. CARTER's authority, counsel for Petitioner in this matter. Despite this, she interrupted emergency proceedings in the 233rd District Court, leading to the mandamus proceedings that neither the tribunal nor opposing side has participated in, but continues to act *sua sponte* to give the illusion of an adequate remedy for an appeal when the threshold issues remain.

Finally, there exists a pending DWOP motion and motion to compel discovery on the docket, pending for several months – unaddressed – showing no respect for the process by the opposing side. In *In re Conner*, 458 S.W.3d 532 (Tex. 2015) the Texas Supreme Court's statement that "conclusive presumption of abandonment" that arises from unexplained delays indicates that judges must actively manage their dockets to prevent such delays or ensure that they are adequately explained. Here, there is no explanation for the delays and inaction. The opposition has no incentive to move the case forward, as they were awarded on all core issues at the onset of the case – for reasons yet to be explained.

The only party seeking any form of relief has been the undersigned. Authorities not only establish judicial responsibility for docket management but also provide examples of judges proactively fulfilling this responsibility rather than

blaming litigants for delays. The actions of the Galveston County district judges described in *Armentrout v. Murdock*, 779 S.W.2d 119 (Tex. App. 1989) and *Southern Pacific Transp. Co. v. Stoot*, 530 S.W.2d 930 (Tex. 1975) exemplify this approach. These judges "recognized this problem, took responsibility for the condition of their dockets, and moved against the troubles of delay" by instituting systems to ensure timely case progression. This example demonstrates that effective judges take ownership of their dockets rather than deflecting responsibility.

The responsibility of judges for docket management is further emphasized by the accountability measures in place. *In re Rose*, 144 S.W.3d 661 (Tex. 2004) demonstrates that judges can face disciplinary action for administrative misconduct, including failures related to court management. Judge Rose's own acknowledgment that "the responsibility is mine" and "I'm the bottom line" reflects the understanding within the judiciary itself that judges bear ultimate responsibility for their courts' functioning.

A plea to the jurisdiction has been filed as of April 24, 2025, to serve as another reminder to the court that these orders must be vacated as a matter of law, not finalized into finality. (**TAB H**)

D. FAVORITISM TOWARD OPPOSING COUNSEL

The record in this case reveals a sustained pattern of judicial favoritism toward opposing counsel, warranting recusal. In *Sun Exploration & Production Co. v. Jackson*, 783 S.W.2d 202, 204 (Tex. 1989), the Texas Supreme Court acknowledged that while individual rulings may not rise to the level of reversible error, an appellate court may nonetheless detect from the record a clear pattern of favoritism that undermines the appearance of impartiality.

Recusal is required where such favoritism would cause a reasonable observer to doubt the judge's neutrality. Here the level of favoritism is so high that the courts below *improperly* grant motions *sua-sponte* without hearings to the Petitioner's benefit, when the same is done to the undersigned to his detriment. As the court explained in *Guillen v. Cameron County*, No. 13-16-00682-CV (Tex. App.—Corpus Christi—Edinburg Nov. 15, 2018, no pet.):

“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 harbor doubts as to the judge’s impartiality.” That standard is met here. An objective observer reviewing the docket would see:

- i. A mother who conducted a deliberate scheme to defraud the judiciary and pursue an extramarital affair;
- ii. A father ordered out of his home and children’s daily lives without any findings or evidentiary hearing;

- iii. A consistent pattern of orders favoring one party while leaving the pro se litigant's motions unresolved;
- iv. Multiple appellate filings by the undersigned that went entirely unopposed by opposing counsel and yet still resulted in no relief;
- v. No findings of fact, no evidentiary hearings, no sworn testimony—despite extraordinary relief being granted to the opposing party;
- vi. An attorney of record who has failed to prosecute her claims in accordance with Rule 165a or respond to critical motions—yet continues to receive the benefit of judicial action;
- vii. Five appellate proceedings where no Respondent judge provided any input or argument;
- viii. And a series of sua sponte orders, issued in her favor, without proper notice, hearing, or adversarial testing.

These facts are not merely irregular—they reflect a judicial posture that appears to favor silence over substance and one party's procedural neglect over the other's persistent legal effort. It chooses to separate parent and child rather than uphold the State's policy pursuant to Tex. Fam. Code 153.001.

Accordingly, the undersigned objects to any participation from opposing counsel in any forthcoming telephonic or evidentiary hearing unless and until she submits a formal response addressing the allegations raised in this motion. To

remain silent in briefing, only to appear at hearing and object, is both prejudicial and professionally improper. Such conduct should not be condoned by the Court, particularly when it operates to the detriment of a self-represented parent seeking long-delayed relief.

CONCLUSION

Imagine being labeled a criminal—accused of abuse—while a court is told that a protective order already exists against you. Imagine that the very person you supported for years and who benefitted from your success suddenly claims financial indigence, asserts full responsibility for all expenses, and serves you—at Christmas—with allegations designed to remove you from your home, your children, and your livelihood. Now imagine this: You built a business from home—intentionally, strategically—so that you could raise your children and be a present father, not just a provider. You tailored your entire life around being there for them.

Now imagine the State—without lawful authority—rips that life away. No hearing. No findings. No emergency. No evidence. And then the State does nothing. It sits on its hands while you fight, alone, for over fifteen months—**pleading for relief, receiving only silence.** And the reason? There isn’t one that can be traced to the record, meaning it must be extrajudicial and derived from *actual bias*. There exists no basis for the current orders to remain in effect, yet they are. The court chooses to act *sua sponte* only when it benefits the opposing party.

In a world where you take the initiative of showing up, ready to defend yourself—your family, your home, your rights—only for those rights to be stripped away in the blink of an eye *before* being afforded the chance to defend yourself. No process. No fairness. No law.

Is that how justice works? Is that how a divorce should begin? Because **that is exactly what happened here**. This is more than a denial of due process. **This is a system abandoning its core duty to protect children and uphold the law**. This is a constitutional wound—one that continues to bleed with every day this court refuses to act. This recusal must be granted **as a matter of law**—not just to restore fairness, but to prevent this travesty from becoming permanent. Each day this continues is another day of unexplained, avoidable suffering inflicted on the children at the center of this case while the opposing side sits in silence. The court has an obligation to conduct their operations within the bounds of the law and protect the family unit. Here, this court took no issue in destroying it from the onset.

Therefore, notwithstanding the docket management and favoritism displayed towards the opposing party, the pattern of rulings alone showcases a deep-seated favoritism or antagonism that would make fair judgment impossible. *Dow Chem. Co v Francis*, 46 S.W.3d 237, 240 (Tex 2001) (per curiam); *In re CJO*, 325 S.W.3d

261, 267 (Tex App-Eastland 2010, pet denied). Therefore, recusal is warranted in this situation.

This absurdity must be put to an end or lawfully justified.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the undersigned respectfully requests the following:

1. **If the Honorable James B. Munford declines to voluntarily recuse himself,** the Court shall set this matter for **a telephonic hearing at the earliest practicable time** pursuant to **Tex. R. Civ. P. 18a(g)(6)(C);**
2. **If the Regional Presiding Judge refers this motion,** the undersigned respectfully requests that it be escalated to the **Chief Justice of the Supreme Court of Texas**, pursuant to **Tex. R. Civ. P. 18a(g)(1)**, in light of the extraordinary circumstances and the appearance of structural bias throughout the proceedings;
3. Pursuant to **Tex. R. Civ. P. 18a(g)(4)**, the undersigned urgently requests that the Court issue **interim orders restoring the undersigned's fundamental right to property, his liberty interest in his children, and his right to conduct the normal operation of his business** until such time as valid orders can be lawfully entered by an impartial tribunal; and that the Court **vacate the March 14, 2024 "agreed" temporary orders**, as they were

entered **without consent, without findings, and in excess of the court's jurisdiction;**

4. Take **judicial notice** that all relief sought herein remains **unopposed** on the record, and that the opposing party has, by her own silence, **waived any right to rebut** this relief at this juncture;
5. Grant **such other and further relief**—at law or in equity—as the Court deems just and proper under the circumstances.

Respectfully submitted,

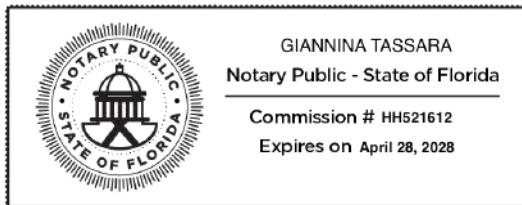
/s/ Charles Dustin Myers

/s/ Charles Dustin Myers

/s/ Charles Dustin Myers

CHUCKDUSTIN12@GMAIL.COM

817-546-3693



State of Florida

County of Miami Dade

This foregoing instrument was acknowledged before me by means of online notarization, this 04/25/2025 by Charles Dustin Myers.

Giannina Tassara

Personally Known OR Produced Identification
 Type of Identification DRIVER LICENSE
 Produced _____

M.3611

M.3611

A

M.3611

**M.3611
MR 6.22**

CAUSE NUMBER: 322-744263-23

IN THE MATTER OF
THE MARRIAGE OF

MORGAN MYERS
AND
CHARLES MYERS

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

IN THE DISTRICT COURT

FILED
TARRANT COUNTY
4/23/2025 12:50 PM
THOMAS A. WILDER
DISTRICT CLERK

§ 322ND JUDICIAL DISTRICT

§ TARRANT COUNTY, TEXAS

NOTICE SETTING A COURT PROCEEDING

On this date the Court set a Court Proceeding.

A Court proceeding is set before the 322nd District Judge, Family Law Center, Fourth Floor, 200 E. Weatherford Street, Fort Worth, Texas 76196.

The Court proceeding is set on the 29 day of April, 2025 at
9:00 o'clock A.M.

This is an in person proceeding and your presence is required.

The Court's designated contact information is found in the Tarrant County Website which is located at www.tarrantcountytexas.gov. The Court Coordinator, concerning scheduling questions, is Lindsey Baker. Her telephone number is (817) 884-1597. Her email is lkba@tarrantcountytexas.gov.

The purpose of the hearing is to set the case for final trial and enter a Pre-Trial Scheduling Order.

SIGNED this 22nd day of April, 2025

JUDGE PRESIDING

Automated Certificate of eService

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Filing Description:

Status as of 4/23/2025 3:52 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/23/2025 12:50:13 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/23/2025 12:50:13 PM	SENT

M.3614

M.3614

B

M.3614

**M.3614
MR 6.25**

322-744263-23

FILED
 TARRANT COUNTY
 3/26/2024 3:19 PM
 THOMAS A. WILDER
 DISTRICT CLERK

CAUSE NO. 322-744263-23**IN THE MATTER OF
THE MARRIAGE OF****MORGAN MYERS
AND
CHARLES MYERS****AND IN THE INTEREST OF
MARA MYERS AND CAROLINE
MYERS, CHILDREN****IN THE DISTRICT COURT****322ND JUDICIAL DISTRICT****TARRANT COUNTY, TEXAS****TEMPORARY ORDERS**

IJC
 On February ~~1~~, 2024, the Court heard Petitioner's motion for temporary orders.

Appearances

Petitioner, MORGAN MYERS, appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

Respondent, CHARLES MYERS, appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

The parties have agreed to the terms of this order as evidenced by the signatures below.

Jurisdiction

The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties.

Children

The following orders are for the safety and welfare and in the best interest of the



following children:

Name: MARA MYERS
 Sex: Female
 Birth date: 7 years
 Home state: Texas

Name: C [REDACTED] MYERS
 Sex: Female
 Birth date: 5 years
 Home state: Texas

Conservatorship

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: MARA M [REDACTED] and CAROLINE MYERS

IT IS ORDERED that, at all times, MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities, including school lunches, performances, and field trips;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an



A CERTIFIED COPY
 ATTEST: 04/16/2024
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 MR. 627

1. The auto insurance for the vehicle in her possession;
2. the monthly payment for her cell phone;
3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024.

IT IS ORDERED that CHARLES MYERS shall be responsible for the timely payment of the following:

1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
3. the monthly payment for his cell phone;
4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024.

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024.

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024.

Co-Parenting Website

IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2



by May 1, 2024, and file a certificate of completion with the Court for their attendance to this co-parenting class.

IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class.

App Close

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools.

IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS shall each timely post on the AppClose website a copy of any email received by the party from the



children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program.

Temporary Injunction

The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS ORDERED that Petitioner and Respondent are enjoined from:

1. Intentionally communicating with 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, 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.
2. 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.
3. Placing a telephone call, anonymously, at any 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.

4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.

5. Threatening the other party or a child of either party with imminent bodily injury.

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties 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 the children of the marriage.

7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.

8. 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 one or both of the parties, including electronically stored or recorded information.

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real



property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

19. Changing or in any manner altering the beneficiary designation on any life



A CERTIFIED COPY

ATTEST: 04/16/2024

THOMASA WILDER

DISTRICT CLERK

TARRANT COUNTY, TEXAS

BU/S/ath/ln-32

in connection with this suit.

For purposes of this order, "personal property" includes, but is not limited to, the following:

- a. cash, checks, traveler's checks, and money orders;
- b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;
- c. funds and assets held in brokerage, mutual fund, and other investment accounts;
- d. publicly traded stocks, bonds, and other securities;
- e. stock options and restricted stock units;
- f. bonuses;
- g. closely held business interests;
- h. retirement benefits and accounts;
- i. deferred compensation benefits;
- j. insurance policies, annuities, and health savings accounts;
- k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;
- l. money owed to one or both parties, including notes and expected income tax refunds;
- m. household furniture, furnishings, and fixtures;
- n. electronics and computers;
- o. antiques, artwork, and collections;
- p. sporting goods and firearms;
- q. jewelry and other personal items;



- r. pets and livestock;
- s. club memberships;
- t. travel award benefits and other award accounts;
- u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;
- v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;
- w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;
- x. safe-deposit boxes and their contents;
- y. storage facilities and their contents; and
- z. contingent assets.

Duration

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on March 14, 2024.

Associate *R* JUDGE PRESIDING

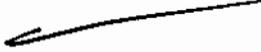
APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISMISSED
TARRANT COUNTY, TEXAS
SPECIALTY COURT OF RECORDS
RECEIVED MAR 14 2024

2905 Lackland Rd.
 FT. WORTH, Texas 76116
 Tel: (817) 926-6211
 Fax: (817) 926-6188

By:  

Cooper L. Carter
 Attorney for Petitioner
 State Bar No. 24121530
 coopercarter@majadmin.com

Daniel R. Bacalis PC
 669 Airport Freeway
 Suite 307
 Hurst, TX 76053
 Office Phone: (817)498-4105
 Fax: (817)282-0634

By: 

Daniel Bacalis
 Attorney for Respondent
 State Bar No. 01487550
 Email: dbacalis@dbacalis.com

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:


 MORGAN MYERS
 PETITIONER


 CHARLES MYERS
 RESPONDENT



A CERTIFIED COPY
 ATTEST: 04/16/2024

THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 E/W Catherine Saenz

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Envelope ID: 85983756

Filing Code Description: No Fee Documents

Filing Description:

Status as of 3/27/2024 7:40 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT



M.3626

M.3626

C

M.3626

**M.3626
MR 6.37**

CAUSE NO.322-744263-23

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], MINOR CHILDREN §

IN THE DISTRICT COURT
322ND JUDICIAL DISTRICT
TARRANT COUNTY, TEXAS

**ORDER DENYING JOINT MOTION TO RECUSE
JUDGE MUNFORD AND JUDGE KAITCER**

On the 7th day of November, 2024, came on to be heard the Joint Motion to Recuse Judge Munford and Judge Kaitcer filed in the above-entitled cause. The movant, Charles Dustin Myers, failed to appear. The respondent, Morgan Michelle Myers, appeared by and through her attorney of record. The movant failed to file a motion for continuance and the case was called by the Court. No evidence was offered and the Court concluded that the motion should be **DENIED**.

IT IS THEREFORE ORDERED that the Joint Motion to Recuse Judge Munford and Judge Kaitcer is **DENIED**. Any other relief requested in connection with this Joint Motion to Recuse Judge Munford and Judge Kaitcer and not granted herein is hereby Denied.

SIGNED this 7th day of November, 2024.



JUSTICE LEE GABRIEL,
Sitting by Assignment

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Envelope ID: 94441042

Filing Code Description: No Fee Documents

Filing Description: ORDR DENYING RECUSAL

Status as of 11/19/2024 8:43 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	11/19/2024 8:20:51 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	11/19/2024 8:20:51 AM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	11/19/2024 8:20:51 AM	SENT

M.3629

M.3629

D

M.3629

**M.3629
MR 6.40**

From: Charlie Vids [mailto:chuckdustin12@gmail.com]
Sent: Thursday, November 7, 2024 8:17 AM
To: Lindsey K. Baker; Cooper Carter
Subject: RE: Today's hearing at 11 CL-12105

Dear Ms. Baker, and Mr. Carter,

I am writing to respectfully request a rescheduling of today's recusal hearing due to an unexpected medical issue. Late last night, I began experiencing severe tooth pain, which has now escalated to significant facial swelling and intense discomfort. The pain is currently affecting my ability to speak, eat, and focus, making it challenging to fully participate in today's proceedings.

Specifically, it's my bottom left molar which the nerve is open and exposed causing significant pain.

I want to sincerely apologize for any inconvenience this may cause, especially given the efforts the court has made to accommodate this hearing. Please know that this request is made only out of necessity, and I deeply regret the timing as I would prefer to move the case forward.

This request comes with a high degree of reluctance given the unexpected technical difficulties experienced last time and would not be making it if it wasn't absolutely necessary.

Thank you all for your understanding and consideration. I am committed to continuing with the hearing at the earliest possible opportunity as I am eager to move the case forward.

I wanted to inform the court as soon as possible out of respect for the courts busy schedule.

I currently am unable to locate the case on research texas, as I've been trying to file a formal notice but given the time I wanted to ensure the court was made aware as soon as possible of the situation.

Lines of communication are open for further discussion or if any further information is needed.

With respect,

Charles Myers

Chuckdustin12@gmail.com





Charlie Vids <chuckdustin12@gmail.com>

RE: ITMOMO MYERS, CAUSE NO. 322-744263-23, RECUSAL HEARING CL-12105

1 message

Cooper Carter <cooper.carter@majadmin.com>

Thu, Nov 7, 2024 at 9:12 AM

To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Cc: Charlie Vids <chuckdustin12@gmail.com>, "Tegan B. Allison" <TBAllison@tarrantcountytx.gov>

Good Morning,

My client is in agreement with a reset at this time.

Would you please provide dates for a rescheduling? Thank you very much.

Cooper L. Carter

Attorney at Law

Marx, Altman & Johnson

2905 Lackland Road

Fort Worth, Texas 76116

Tel: (817) 926-6211

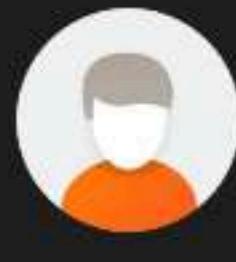
Fax: (817) 926-6188



THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.

7:59

17%



Morgan Myers

Last seen Nov 11 at 09:34 PM



09:32 PM

WED, NOV 06

THU, NOV 07

Hey, I started experiencing massive pain in my bottom left molar last night. I informed the court and apparently the coordinator is out with covid. I'm gonna have to go to the dentist and see what I can do, so i just wanted to let you know because the girls are excited about urban air today. There's just no way.. but I can make it up to them another day when I'm not in excruciating pain.

08:21 AM

Okay.

08:23 AM

I informed cooper but wanted to ensure everyone was aware. Called the court but no answer. Sent email. Case disappeared from the research tx platform

08:53



Message Morgan Myers



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Envelope ID: 94247500

Filing Code Description: Notice

Filing Description: Notice of Intent to Remove

Status as of 11/14/2024 7:12 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	11/13/2024 1:33:50 PM	SENT
MORGAN MICHELLEMYERS		morganmw02@gmail.com	11/13/2024 1:33:50 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	11/13/2024 1:33:50 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	11/13/2024 1:33:50 PM	SENT

M.3634

M.3634

E

M.3634

**M.3634
MR 6.45**



FUDSTOP <chuckdustin12@gmail.com>

Ruling Requested – Unopposed Summary Judgment (Filed 2/22/2024) – Case No. 322-744263-23

9 messages

FUDSTOP <chuckdustin12@gmail.com>

Fri, Mar 14, 2025 at 4:47 PM

To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>, Cooper Carter <coopercarter@majadmin.com>

Ms. Baker,

My Motion for Partial Summary Judgment, filed February 22, 2024, remains unopposed for over a year. Under TRCP 166a(c) and Local Rule 4.01(d), this motion is ripe for ruling. Opposing counsel's failure to respond waives any objection.

Further, opposing counsel (CC'ed here), cannot prosecute her case in accordance with Texas law, and still has an outstanding rule 12 motion that is now also unopposed.

A granting of either motion would resolve the core case issues, and given the circumstances, is duly warranted.

I formally request an immediate ruling or confirmation of when the Court will act. Further delay is unacceptable.

If the judges cannot legally act given opposing counsels failure to comply with Tex. R. CIV. P. 237a, then the matter should be brought before David L. Evans without delay.

Sincerely,

Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>

Sun, Mar 16, 2025 at 1:54 PM

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

Cc: "chuckdustin12@gmail.com" <chuckdustin12@gmail.com>

Mr. Dustin:

Prior to providing available dates to set your hearing request, the Court must know how much time you are requesting for the hearing? Further, you must E-file or personally appear with a Notice of Hearing for the Court to set the hearing.

Thank you,

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

YOU MUST APPEAR IN PERSON TO SET THE HEARING.

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

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

From: FUDSTOP <chuckdustin12@gmail.com>

Sent: Friday, March 14, 2025 4:47 PM

To: Lindsey K. Baker <LKBaker@tarrantcountytexas.gov>; Cooper Carter <cooper.carter@majadmin.com>

Subject: Ruling Requested – Unopposed Summary Judgment (Filed 2/22/2024) – Case No. 322-744263-23

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Lindsey K. Baker" <LKBaker@tarrantcountytexas.gov>
Cc: Cooper Carter <cooper.carter@majadmin.com>

Sun, Mar 16, 2025 at 4:26 PM

Hello Lindsey,

I hope you are doing well. I am following up on the Myers v. Myers matter (Cause No. 322-744263-23 in the 322nd District Court), which was remanded back from federal court on December 17, 2024. As of today, the opposing party still has not filed the Notice of Remand or otherwise re-engaged with the case. This has left our case in limbo on the court's docket. In the meantime, Charles Dustin Myers (Respondent), is suffering ongoing harm each day without the court's intervention on pending matters.

To recap the situation briefly:

The federal court remanded the case to state court on 12/17/2024. Under Texas Rule 237a, it was Petitioner's responsibility to file the remand order with the clerk and notify us. That never happened. We are now three months post-remand, and the case has not been officially re-docketed due to this oversight.

M.3636

M.3636

MR. 6.47

I have multiple pending motions that were filed before and after the remand. Critically, Petitioner and her counsel have not responded to ANY of these motions. For example, the Motion for Summary Judgment (filed 2/26/2024) received no response. More urgently, our Ex Parte Motion for Child Custody, Exclusive Use of Marital Residence, Contempt, and Sanctions (filed 2/12/2025) remains unopposed and unaddressed. We also filed a Proposed Order on 2/20/2025 and a Request for Immediate Ruling on 2/28/2025, with no response from the other side.

The issues in that ex parte motion are time-sensitive and critical: we need a court order for custody and to regain access to the marital home. Opposing counsel's failure to follow procedure has effectively stalled relief that desperately needs attention. (Respondent has been without access to his home and children for an extended period through no fault of his own). There are also allegations of contempt by the opposing party that have not been heard because of these delays.

Given this extraordinary situation, we respectfully ask the Court to take immediate action. Specifically, we request one of the following at the Court's earliest convenience (and we truly mean as soon as possible, even this week if feasible):

Immediate ruling/signing of orders: Since the motions are unopposed, the Court can rule on them without a hearing. I have a proposed Order for the ex parte motion ready for Judge Kaitcer's signature. I urge the Court to sign an order granting Respondent temporary custody of the children and exclusive use of the residence immediately. This would provide much-needed stability while the case proceeds. Similarly, the motion for summary judgment can be granted on the papers, as no controverting evidence or response was ever filed by Petitioner.

Emergency hearing: If the Court prefers to hold a hearing, please provide the soonest possible date and time for an emergency hearing on the Ex Parte Motion (2/12/2025), and a notice will be filed tomorrow. I am prepared to appear on short notice. Given that the motion is unopposed, the hearing should be brief. Respondent will gladly testify to confirm the facts if needed. He just needs the Court's authorization to move forward – every day of delay is another day he is barred from his home and children.

Filing of Remand Order: To remove any procedural barrier, Respondent will obtain a certified copy of the federal remand order and he will file it himself (or hand-deliver a copy) to the Court. If the clerk needs that filed separately to officially reopen the case, please let me know – it will be done immediately. I do not want a clerical formality to stand between the children and justice any longer.

Sanctions for non-compliance (if appropriate): Respondent also wants the Court to be aware that opposing counsel's conduct – failing to file the remand notice and ignoring court filings – is sanctionable. While the priority is getting relief for the children, the intent is to address this issue at the appropriate time. For now, this failure should at least not be rewarded by further delaying proceedings. Respondent shouldn't have to wait indefinitely due to the other side's procedural neglect.

In sum, Respondent is asking for the Court's help to break the logjam created by the opposing party. Our requests are straightforward and unopposed. The court has the authority to grant the relief either ex parte or by default given the circumstances. Respondent is simply requesting that the Court exercise that authority as soon as possible to prevent further irreparable harm.

My tone in this email is urgent because the situation is urgent. I have been exceedingly patient while trying every avenue to move this case forward. With each passing day, the situation worsens and the children at issue remain in uncertainty. I trust that the 322nd District Court strives to resolve such matters fairly and expeditiously, and I am eager to assist in any way to facilitate a prompt resolution.

Proposed next steps:

If Judge Kaitcer (or the assigned judge) is available to review the file tomorrow, we urge him to sign the proposed Order (filed 2/20/2025) granting the relief in the 2/12/2025 motion. I am available by phone or email if the Court has any questions or slight modifications to the order.

Alternatively, please provide a setting for an emergency hearing as early as possible. Even a telephone or Zoom hearing would be acceptable, given the urgency, if that would expedite the process. A notice of hearing will be filed Monday.

If there are any concerns about the procedural posture (such as the missing Notice of Remand), please let me know. I am prepared to cure any such issue immediately. I can file the remand order and serve opposing counsel (to the extent she will accept service) to remove any doubt that the case is properly before the Court.

Thank you very much for your time and attention to this matter, Lindsey. I understand the Court has a busy docket, but this case has unusual circumstances that warrant special handling. I greatly appreciate any assistance you can provide in conveying the urgency of this situation to Judge Kaitcer, Judge Munford, or in the alternative, Judge Evans. I am hopeful that, with the Court's intervention, we can obtain a ruling or hearing in a matter of days, bringing much-needed relief and allowing the case to progress.

Please let me know if you need any additional information or have any instructions for me. I will be watching for your reply and am ready to act immediately on any opportunity to be heard.

Sincerely,

Charles D. Myers

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>

To: FUDSTOP <chuckdustin12@gmail.com>

Cc: Cooper Carter <coopercarter@majadmin.com>

Mon, Mar 17, 2025 at 12:01 PM

ALL motions must be set for a hearing. If you are requesting relief from the Court, you must provide the Court with a formal Notice of Court Proceeding to set each of your E-filed motions. I also informed you of this in my previous email response. I will take no further action responding to your email communications unless you are requesting an in person hearing AND provide the Court with a E-filed Notice of Court Proceeding in compliance with the Texas Rules of Civil Procedure. Please refer to the Texas Rules of Civil Procedure, The Texas Family Code, and the Tarrant County Family Court's Local Rules.

The 322nd District Court and Associate Court hears ALL matters in person and not by submission.

Thank you,

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>

To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Mon, Mar 17, 2025 at 3:53 PM

Dear Ms. Baker,

Thanks for your response.

As I previously pointed out, the Order of Assignment from Judge David L. Evans assigned Justice Lee Gabriel to the case. That assignment remains in effect until Judge Evans issues a written termination order, as stated. To my knowledge, no such order has been issued or served.

Until that occurs, it would be procedurally improper to request a court hearing, particularly given that the opposing party has yet to fulfill their obligation under Texas Rule of Civil Procedure 237a by filing a Notice of Remand after removal to federal court.

It would be helpful if these issues could be resolved as soon as possible so that the case can proceed effectively.

Best regards,
Charles Dustin Myers

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>

To: FUDSTOP <chuckdustin12@gmail.com>

Mon, Mar 17, 2025 at 4:22 PM

M.3638

I will address this with Judge David Evans first thing tomorrow morning.

M.3638
MR. 6.49

[Quoted text hidden]

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

Mon, Mar 17, 2025 at 4:22 PM

Thank you very much.

I hope you have a good evening.

Respectfully,

[Quoted text hidden]

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

Mon, Mar 17, 2025 at 4:24 PM

You do the same.

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>

Wed, Mar 19, 2025 at 3:19 PM

Attached is an Order Terminating Assignment that has been signed by Judge David Evans.

Thank you.

[Quoted text hidden]

 **Order Terminating Assignment.pdf**
330K

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M.3640

**M.3640
MR 6.51**

322ND FAMILY DISTRICT COURT

ASSOCIATE JUDGE'S REPORTCAUSE NUMBER: 322 - 744538-23

ITMOTMO/INRE

322-744263-23

Rendition
FILED
TARRANT COUNTY
1/17/2024 2:28 PM
THOMAS A. WILDER
DISTRICT CLERK

Morgan M. Myers§
§
§
§

IN THE DISTRICT COURT

vsCharles D. Myers

TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

RESET DATE AND TIME: January 22, 2024 at 9:00 am

1. Appearances:

- Petitioner/Movant appeared in person and by attorney Pro Se
- Respondent appeared in person and by attorney Pro Se
-

2. Issue(s): Custody Visitation Child Support Health Insurance CPS (Property and Conservatorship)

3. Order(s) or Agreement(s): The Wife will remain in the house temporarily. Case is set next Monday, January 22, 2024 at 9:00 am. The husband shall vacate the house by 2:00 p.m. January 16, 2024. Mother to have possession of the children until the time of the hearing. Cause # 322-744538-23 is consolidated into cause # 322-744263-23.
Continuance granted.

AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Petitioner

SO ORDERED:

Jenni B. Mutual322nd ~~Family~~ Judge

1-16-2024

Attorney for Respondent

Respondent

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Envelope ID: 83494135

Filing Code Description: No Fee Documents

Filing Description: Rendition

Status as of 1/17/2024 4:23 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	1/17/2024 2:28:44 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	1/17/2024 2:28:44 PM	SENT

M.3643

M.3643

G

M.3643

**M.3643
MR 6.54**

AGREED

ASSOCIATE JUDGE'S REPORT FOR TEMPORARY ORDERS (Suit Affecting the Parent-Child Relationship, Property and Debts)

DIVORCE WITH CHILDREN

CAUSE NUMBER: 322-744263-23

<u>Morgan Myers</u>	§	IN THE DISTRICT COURT
<u>AND</u>	§	TARRANT COUNTY, TEXAS
<u>Charles Myers</u>	§	322 ND JUDICIAL DISTRICT

RESET DATE: _____

1. Appearances:

Petitioner/Movant appeared in person and by attorney Cooper Carter
 Respondent appeared in person and by attorney Dan Bratlis

2. Temporary Conservatorship:

A. Joint Managing Conservators: Primary Possession to Mother Father Other: _____

Mother and Father have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Other has the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Mother Father Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132 except as follows:

The Mother Father Other shall have the exclusive right to establish the residence of the child(ren) and residence of the child(ren) will be Tarrant County or counties contiguous to Tarrant County, TX and/or _____

The Mother Father Other are enjoined from removing the child(ren) from Tarrant County or counties contiguous to Tarrant County, TX for the purpose of establishing the residence of the child(ren) and/or _____

The right to make educational decisions shall be by the Mother Father Other.



The right to make invasive surgical decisions shall be by mutual consent of the parties and failing to agree by the Mother Father Other. The term "invasive" means elective surgical decisions.

The right to receive child support shall be by the Mother Father Other _____

B. Sole Managing Conservator: Mother Father Other: _____

Possessory Conservator: Mother Father Other: _____

Mother Father Other have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Mother Father and/or Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132.

Residency Restriction to Tarrant County Tarrant & contiguous counties.

3. Temporary Possession Schedule:

Texas Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at 6:00 p.m. except for Thursdays which ends at 8:00 p.m.

Texas "Extended" Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at the time school recesses or begins. Thursdays overnight, during the regular school year.

Other: _____

Mother Father Other shall surrender the child to the other person at the residence of Mother Father Other at the beginning of each period of possession.

Mother Father Other shall surrender the child to the other person at the residence of Mother Father Other at the end of each period of possession.

4. Temporary Child Support:

Mother Father shall pay through the Texas State Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791 of \$ 973.19 per WEEKLY beginning 4-1-2024



Medical Insurance on Child Provided by:

 Mother Father

Insurance Cost Paid by:

 Mother Father

Uncovered Medical, Dental & Vision Costs:

 Equally _____Mother to apply for
MEDICARE5. Additional Orders: _____

App. for Protective ORDER is non-suited

_____6. Temporary Spousal Support: N.A. Wife Husband shall pay direct to Spouse \$ _____ per _____ beginning

7. Temporary Possession of Property:

Husband: 2021 MAZDA 3, his personal prop.
& clothing 2023 MAZDA CX-8 (LEASED)REPOSSESS to wife home at 6641 Anne Court
WATAUGA by MARCH 1, 2024Wife: 2007 MAZDA, her personal property
& clothing, 6641 Anne Court, WATAUGA,

8. Temporary Payment of Debts and Bills:

Husband: His living expenses: CAR PAYMENT, his auto ins
his telephone payment.

LEASE PAYMENT FOR HOMESTEAD FOR FEBRUARY
& MARCH 2024

Wife: Her living expenses: her auto INSURANCE, her
telephone payment. LEASE PAYMENT ON HOMESTEAD
AFTER MARCH 30, 2024

9. Temporary Injunctions:

Mutual Temporary Injunctions as to Persons pursuant to the Texas Family Practice Manual.

Mutual Temporary Injunctions as to Property pursuant to the Texas Family Practice Manual.

the parties to communicate through App Court

10. MISCELLANEOUS:

The parties are to attend "Children in the Middle" part 1 and/or 2 by 5/1/24 and to file a certificate with the Court. Each to pay for their own costs.

Neither party shall consume, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

Neither party shall consume alcohol at least 12 hours prior to their time for possession of the child(ren).

Neither party shall consume alcohol during their period of possession with the child(ren).

Neither party shall attend one of the child(ren)'s activities if they have consumed alcohol or they are under the influence of alcohol.

Neither party shall leave the child(ren) with a person who is consuming alcohol at least 12 hours prior to taking possession of the child(ren) or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. No disparaging remarks in the presence of the child(ren) and no discussion of litigation or issues of the case with the child(ren).

The parties are not to discuss the litigation or issues with the child(ren) about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to the other party using a profane name or names, profanity or curse words.

The parties are not to discuss the litigation or issues with the child(ren). This paragraph presumes the child(ren) is old enough to communicate with a party. The aforementioned sentence means that neither party shall discuss what occurred in Court including the testimony of any witness or witnesses with the child(ren).

A party is allowed to reasonably offer an age-appropriate statement to discuss the effect of an Order with the child(ren) with a brief statement or sentence. For example, a party is not allowed to show a document to the child(ren) and attempt to comprehensively discuss the case in detail with the child(ren).

A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Baclis.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.

AGREED AS TO FORM AND SUBSTANCE

Cory

Attorney for Petitioner

Dan O Baclis

Attorney for Respondent

Miley

Petitioner

Ch. Jr.

Respondent

SO, ORDERED:

J

322ND Associate Judge

Date: FEBRUARY 1, 2024

Automated Certificate of eService

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Envelope ID: 84305097

Filing Code Description: No Fee Documents

Filing Description: AGD AJ REP

Status as of 2/8/2024 3:12 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/8/2024 2:29:20 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/8/2024 2:29:20 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	2/8/2024 2:29:20 PM	SENT



M.3650

M.3650

H

M.3650

**M.3650
MR 6.61**

NO. 322-744263-23

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Plea to the Jurisdiction

Respondent.

2025-04-24

TO THE HONORABLE JAMES MUNFORD:

The record reveals a pattern of the Court acting beyond its jurisdiction: on **January 16, 2024**, the Court ousted Respondent from the marital residence **without any finding of family violence or protective order**; on **March 26, 2024**, the Court entered “Agreed” Temporary Orders **without Respondent’s consent**, flouting the statutory procedures for entry of such orders. These actions violate Respondent’s due process rights and the Texas Family Code. Under Texas law, orders issued **without jurisdiction or in the absence of a party’s consent are void** and cannot confer jurisdiction. Respondent asks the Court to recognize these fundamental defects and dismiss the current orders as a matter of law.

Until these orders are resolved, or the court issues written findings regarding their legitimacy, Respondent will not appear and risk further deprivation of his rights from this court.

I. INTRODUCTION

Petitioner filed a divorce petition under Title 5 of the Texas Family Code on December 18, 2023. That petition did not seek exclusive possession of the residence or ask that Respondent be excluded from the home. Shortly thereafter, on December 22, 2023, Petitioner filed a separate **Application for Protective Order** under Title 4 of the Family Code, in which she explicitly requested exclusive possession of the home, removal of Respondent, and child support. The Court consolidated the protective-order case into the divorce case.

On January 16, 2024, the court—without holding an evidentiary hearing or finding family violence—entered Temporary Orders granting Petitioner exclusive possession of the home and primary custody and child support, and requiring Respondent to vacate the residence that same day. No protective order was ever issued and no findings of family violence were made, even though Tex. Fam. Code §§ 83.006 and 85.001 plainly require such findings. In the weeks that followed, the court continued these arrangements and ultimately entered “Agreed” Temporary Orders (March 26, 2024) allocating parenting time and support. All of these extreme orders were based solely on Petitioner’s Title 4 application (and allegations of family violence), and no amendments to the pleadings were ever filed to convert the case into a Title 5 SAPCR. Respondent never received any notice or hearing on custody, possession, or support issues under Title 5.

II. Legal Standards

The trial court’s authority is strictly limited by the statutes and pleadings. It may consider only the claims and relief expressly pleaded by the parties, and must follow the Family Code’s procedures for protective orders and SAPCRs. Subject-matter jurisdiction is a threshold issue: if

the court acted beyond the law, its orders are void. A plea to the jurisdiction is decided as a matter of law when the relevant facts are undisputed (see *Tex. Dep’t of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 228 (Tex. 2004)). Here, the material jurisdictional facts are not in dispute.

III. Title 4 (Protective Order) Proceedings Cannot Support Custody or Support

Under Texas law, a protective-order proceeding (Title 4) is *not* a custody (SAPCR) proceeding (Title 5). The San Antonio Court of Appeals recently reaffirmed that without a proper SAPCR petition under Title 5, a court may not award conservatorship, possession, or support. In *Rivera v. Figueroa* (Tex. App.–San Antonio 2019), the court held that orders issued in a protective-order case cannot support conservatorship or child-support relief unless a Title 5 petition was filed and noticed. Likewise, *In re Sheffield*, 639 S.W.2d 270 (Tex. App.–Dallas 1982), long held that Title 4 and Title 5 proceedings are jurisdictionally separate: “a court may not grant relief beyond the scope of the protective-order statute without compliance with the SAPCR statutes” (*sheffield*, 639 S.W.2d at 272-73). Here, Petitioner’s December 22 Title 4 application was never amended or converted into a Title 5 petition. Respondent never waived notice or a hearing on conservatorship/possession issues. The court’s decision to exclude Respondent from the home and divest him of custody on January 16, 2024 therefore had no jurisdictional basis. In short, “[w]ithout a valid protective order in place, the court lacked jurisdiction to continue enforcing the extreme relief originally granted”.

IV. Statutory Prerequisites for Exclusion and Protective Orders Were Not Met

Even if the court treated the relief as a protective-order, the Family Code’s strict requirements were ignored. Tex. Fam. Code § 83.006(a) permits exclusion of a party from the

home *only* if (1) the applicant files a sworn affidavit describing facts requiring exclusion, and (2) appears at the hearing to testify on those facts. Section 83.006(b) further requires that the court make three findings: (i) the applicant resides (or recently resided) at the premises, (ii) the other party committed family violence within the past 30 days, and (iii) there is a clear and present danger of future family violence. Likewise, § 85.001(a) mandates that at the close of a protective-order hearing, the court must explicitly find whether family violence occurred. If so, the court “*shall*” issue a protective order against the perpetrator. In this case, none of these prerequisites were satisfied. Petitioner did file an application and affidavit, but no hearing on January 16 (or thereafter) produced any finding of family violence. The court did not issue a protective order as the statute requires, and instead simply extended the eviction and custody restrictions indefinitely. By failing to hold a hearing, make any family-violence finding, or enter a protective order, the court “bypass[ed] the statutory prerequisites” entirely. Without those statutorily required findings, the January 16 “kick-out” and custody order was outside the court’s power.

V. All Orders Exceeding the Pleadings or Statutory Authority Are Void

It is a bedrock rule that a Texas court must confine its rulings to the relief requested by the pleadings and authorized by statute. Any order beyond that scope is void. The Houston First Court of Appeals has stated that “[a]n order purporting to grant relief beyond the pleadings is void ab initio”. In *Guillory v. Boykins*, 442 S.W.3d 682, 690 (Tex. App.–Houston [1st Dist.] 2014, no pet.), the court held that where a trial court lacks jurisdiction or statutory authority to grant the relief, the order is void. Similarly, *In re P.M.G.*, 405 S.W.3d 406, 416–17 (Tex. App.–Texarkana 2013, no pet.), confirms that orders entered without pleadings or outside statutory scope are null. Here, not only did the protective-order pleadings not include any SAPCR claims,

but the later “agreed” orders on March 26, 2024 were not signed or even consented to by Respondent (violating Tex. R. Civ. P. 11). In short, every custody and exclusion order in this case was “predicated on a void order”. As the Second Court of Appeals recognized in *In re C.L.*, 933 S.W.2d 402, 405 (Tex. App.—Fort Worth 1996, no writ), an order that is void ab initio “cannot form the basis for any valid subsequent judgment”. That’s exactly what is happening here. The court is now moving to finalize fraud, constitutional deprivation, and is trying to finalize its’ original excision of Respondent’s constitutional rights. The court cannot destroy a family and then move to finalize that without a lawful basis, and over orders that are fundamentally void.

IV. Violation of Respondent’s Constitutional Rights to Due Process and Family Integrity

The trial court’s actions not only violated statute but also trampled Respondent’s fundamental constitutional rights. By evicting the Respondent from his home and effectively separating him from his children with **no prior notice or opportunity to be heard**, the court deprived him of liberty and property without due process of law. This violates **Article I, § 19 of the Texas Constitution** (the “due course of law” guarantee) and the **Fourteenth Amendment to the U.S. Constitution**. Now, the court seeks to *finalize* this fundamental error amidst an ongoing appeal, showing a continuous and complete disregard for the Respondent’s rights.

A. Deprivation of Property Without Due Process

The January 16 order forced Respondent to vacate his own home on the same day it was issued. A person’s right to occupy their home is a significant property interest, protected by due process. Yet Respondent was ousted immediately, with no notice that such relief would be sought and no chance to contest the allegations. The Texas Constitution and the 14th Amendment both forbid the State from depriving any person of property without due process of law. *Fuentes v. Shevin*, 407 U.S. 67, 81-82 (1972) (even temporary, non-final deprivations of property require

notice and hearing absent extraordinary circumstances). While Texas law does allow ex parte orders in truly exigent circumstances, those orders must be narrowly tailored and followed promptly by a full hearing. Here, the statutory requirements for an ex parte *kick-out* were disregarded, and Respondent was left homeless and separated from his belongings based on one-sided assertions. This is precisely the kind of state action that due process is meant to guard against.

B. Deprivation of Parental Rights Without Due Process

Even more critically, the court's orders infringed Respondent's fundamental right to parent his children, also without due process. A parent's interest in the care, custody, and control of their children is **fundamental**. The United States Supreme Court has recognized that "the interest of parents in the care, custody, and control of their children...is perhaps the **oldest of the fundamental liberty interests** recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality op.). Likewise, the Texas Supreme Court has affirmed that "the fundamental right of parents to make decisions concerning the care, custody, and control of their children" is constitutionally protected. *In re C.J.C.*, 603 S.W.3d 804, 811 (Tex. 2020) (citing *Troxel*, 530 U.S. at 66). Governmental interference with this right is subject to strict scrutiny and must be accomplished only with rigorous procedural safeguards.

Here, Respondent's removal from the home effectively **altered custody of the children** without any hearing or finding of unfitness. Respondent went from being an equal managing conservator of the children to having *zero possession or access* (by virtue of being excluded from the home and the children's presence) overnight and without notice. This is a profound deprivation of parental rights. As the U.S. Supreme Court held in *Stanley v. Illinois*, an unwed father could not be presumed unfit and have his children taken without a hearing – "**the Due**

Process Clause of the Fourteenth Amendment requires that [a father] be given a hearing on his fitness as a parent **before** his children are removed from his custody.” *Stanley v. Illinois*, 405 U.S. 645, 649 (1972) (emphasis added). The State “**cannot, consistently with due process, merely presume**” a parent’s unfitness or danger and bypass a hearing; “**parental unfitness must be established on the basis of individualized proof**” before a child is taken away. *Id.* at 647, 649. Yet in Respondent’s case, the court did exactly what *Stanley* forbids – it presumed the necessity of removing the father, without any adversarial testing of the evidence or finding of actual misconduct and left the determination for later (a hearing that kept getting postponed). This violated Respondent’s **procedural due process** rights to be heard *before* being deprived of custody of his children.

Moreover, the **substantive** aspect of due process was violated. There is a “**strong presumption** that the best interest of a child is served by remaining with a fit parent.” *Troxel*, 530 U.S. at 68-69. The government may not “infringe on the fundamental right of parents to make child rearing decisions **simply because a state judge believes a ‘better decision’ could be made.**” *Id.* at 72 (plurality op.). In the absence of any evidence or finding that Respondent was an unfit or dangerous parent, removing his children from him was an arbitrary infringement on his fundamental liberty interest. The orders entered in this case prioritized a one-sided allegation over a father’s constitutional rights, in a manner repugnant to both the Texas and U.S. Constitutions. Article I, Section 19 of the Texas Constitution guarantees that no citizen shall be deprived of liberty or property **except by the due course of the law of the land** – here, Respondent was deprived of both without the lawful procedures or any adjudication of wrongdoing.

In sum, the process (or lack thereof) employed by the court fell far short of constitutional requirements. This constitutional infirmity is independently sufficient to render the court's orders void. A judgment entered in violation of due process is void and subject to collateral attack.

Peralta v. Heights Medical Center, Inc., 485 U.S. 80, 84-85 (1988) (judgment rendered without proper notice violates due process and is void). The proper remedy for a void order that stems from a due process violation is to declare it a nullity and dismiss any action that cannot proceed without it.

VI. Plea to the Jurisdiction Must Be Granted

The undisputed record shows no factual or legal basis for the court's jurisdiction over the extreme relief granted. Under *Miranda v. Texas Dept. of Parks & Wildlife*, a plea to the jurisdiction should be granted as a matter of law if the jurisdictional facts are undisputed or uncontroverted by competent evidence. Here, there is no genuine issue that (a) no protective order was issued and no findings of family violence were made, (b) no Title 5 SAPCR notice of hearing exists on the record, or was ever on file, and (c) all of Petitioner's requests for home exclusion and support were styled under Title 4 and unsupported by any pleaded conservatorship claim. The court cannot "proceed further on the merits" without first resolving these fundamental defects. Because these jurisdictional defects are purely legal, a full evidentiary hearing is unnecessary – the Court should rule as a matter of law that it never had authority to enter any of the challenged orders, vacate them accordingly, and allow the status quo to reset. Additionally, the March 14, 2024, orders are a mere extension of the initial orders, which claim consent where consent is not present. These orders must be vacated as a matter of law as this court has no power to rule on void orders.

Respondent puts the court on notice that this plea serves as non-appearance notice in that he will not participate in any further proceedings until these issues are resolved in writing on the record, and will challenge any orders or decisions made prior to the resolution of these issues.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Charles Dustin Myers respectfully prays that the

Court:

1. Rule, as a matter of law, that the January 16, 2024, exclusion and custody order and all subsequent temporary orders are **void ab initio** for lack of subject-matter jurisdiction;
2. Vacate and rescind those orders, and dismiss with prejudice any custody, possession, or support claims that rest on them; alternatively, dismiss all SAPCR claims for want of proper pleadings, notice, and jurisdiction;
3. Issue a written ruling on this plea as required by law, and stay all further proceedings in this case pending resolution of this jurisdictional challenge; and
4. Grant such other and further relief, at law or in equity, to which Respondent may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 Anne Court
Watauga, Texas 76148
817-546-3693
Chuckdustin12@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Plea and Motion has been served on counsel for Petitioner on this 24th day of April 2025.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

Pro-se respondent

CERTIFICATE OF SERVICE

Relator certifies that on April 25, 2025, a true and correct copy of the foregoing motion to recuse was served on all parties and counsel of record as follows:

PETITIONER

Morgan Michelle Myers
Real Party in Interest
MORGANMW02@GMAIL.COM

COUNSEL FOR PETITIONER

Cooper L. Carter
Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, TX 76116
coopercarter@majadmin.com

INTERVENOR

Holly Hayes
2001 Beach St
Fort Worth, TX 76103-2308
817-459-6878
CSD-Legal-914@oag.texas.gov

Automated Certificate of eService

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Envelope ID: 100102487

Filing Code Description: Motion (No Fee)

Filing Description: Motion to Recuse

Status as of 4/28/2025 10:30 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/25/2025 1:44:54 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/25/2025 1:44:54 PM	SENT

M.3663

M.3663

MR 7

M.3663

M.3663

April 25, 2025

EFILE

Clarissa Hodges
Clerk, Second Court of Appeals
Tim Curry Criminal Justice Center
401 West Belknap, Suite 9000
Fort Worth, Texas 76196-0211

Re: Court of Appeals Number: 02-25-00164-CV

Trial Court Case Number: 233-765358-25

Subject: EMERGENCY LETTER

Dear Ms. Hodges,

This letter is filed pursuant to rule 9.6 of the Texas Rules of Appellate Procedure.

The very emergency that Relator sought to prevent through the Emergency Temporary Restraining Order (the denial of which gave rise to this mandamus proceeding) has now materialized, exactly as warned.

Respondent respectfully directs the Court's attention to **TAB A**, which documents the resulting harm for the court's consideration.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Chuckdustin12@gmail.com
Relator

EXHIBIT 1



8179400852

+1(817) 940-0852



Today 1:23 pm

At the dentist with C [REDACTED] She needs one tooth removed due to deep infection and 6 crowns. She has to take antibiotics for a week before anything can be scheduled. Anesthesiologist will be needed for the procedure to avoid trauma and additional pain. I'll keep you updated.

Total due after insurance is \$1,584. Anesthesia is an additional \$1,000. We're planning for first week of May.

May 7th.

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 100119566

Filing Code Description: Letter

Filing Description: Emergency Letter

Status as of 4/25/2025 5:04 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		CHUCKDUSTIN12@GMAIL.COM	4/25/2025 4:36:54 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/25/2025 4:36:54 PM	SENT
COOPER LCARTER		COOPERCARTER@MAJADMIN.COM	4/25/2025 4:36:54 PM	SENT
Kate Stone		adwierzbicki@tarrantcountytx.gov	4/25/2025 4:36:54 PM	SENT

M.3668

M.3668

MR 8

M.3668

M.3668

322-744263-23

NO. 322-744263-23

FILED
TARRANT COUNTY
4/25/2025 4:13 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Respondent.

2025-04-25

FIRST AMENDED EMERGENCY NOTICE TO
THE COURT

TO THE HONORABLE COURT:

On March 17, 2025, I reminded the court coordinator that Hon. Munford and Hon. Kaitcer had not been reinstated to the case. (See motion to recuse, TAB E) After ***four months of*** waiting and proactively communicating to this court that my youngest daughter was suffering medical neglect, time was of the essence, and I opened a separate SAPCR suit on the grounds that this case had been ***procedurally abandoned*** by the opposing party, as at the time of filing – there had been a pending DWOP motion that ***still remains un-opposed*** filed on January 17, 2025.

I filed an EMERGENCY TRO with the court on March 24, 2025, and **never received any response**, and was turned away at the last hour because of **COOPER L. CARTER's** inability to follow the Texas Rules of Procedure and consistent unethical behavior. She used a forward consolidation motion to block emergency relief, and filed it a week later. Despite turning the emergency TRO away, the same court *sua sponte* granted COOPER L. CARTER'S consolidation motion without a hearing, and now this court intends to proceed to set this matter for final trial.

Now, today – Petitioner texts and informs me that my daughter, C.R.M., has to have **EMERGENCY surgery** with anesthesia because of the collective actions undertaken by both courts and the opposing counsel. EXHIBIT 1 This operation is expected to cost \$2,584 and is the exact reason why the EMERGENCY TRO was filed.

The direct and foreseeable result of the Petitioner's failure to act in the children's best interests, and the Court's failure to address the emergency relief sought has now materialized, causing both irreparable harm to my daughter and significant financial injury. This Court had full notice of the risks to the minor child's health and chose, instead, to prioritize procedural manipulation over the welfare of the children involved and give deference to an attorney who has abandoned the case outright.

Had the Emergency TRO been heard when presented, the medical neglect now requiring emergency surgery — and its associated cost of \$2,584 — could have been avoided, the rights of

the undersigned would be restored, and we could all start moving towards a *real* resolution of this matter.

It's a travesty that this court is permitting this behavior to occur, because now, as the court can fully see, the claims raised by the undersigned *had merit*, as do the totality of the unopposed claims on this record.

The undersigned prays for change.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

817-546-3693

CHUCKDUSTIN12@GMAIL.COM

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, I certify that a true and accurate copy of the foregoing EMERGENCY NOTICE has been duly served on all parties of record.

Respectfully,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS

EXHIBIT 1



8179400852

+1(817) 940-0852



Today 1:23 pm

At the dentist with C [REDACTED] She needs one tooth removed due to deep infection and 6 crowns. She has to take antibiotics for a week before anything can be scheduled. Anesthesiologist will be needed for the procedure to avoid trauma and additional pain. I'll keep you updated.

Total due after insurance is \$1,584. Anesthesia is an additional \$1,000. We're planning for first week of May.

May 7th.

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 100117264

Filing Code Description: Notice

Filing Description: FIRST AMENDED EMERGENCY NOTICE

Status as of 4/28/2025 11:19 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/25/2025 4:13:03 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/25/2025 4:13:03 PM	SENT

M.3675

M.3675

MR 9

M.3675

M.3675

322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY

In the 322nd Judicial District Court, Tarrant County

Cause No. 322-744263-23

Hon. James Munford Presiding

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

AND IN THE INTEREST OF M.E.M. AND C.R.M., TWO CHILDREN

FIRST AMENDED MOTION TO RECUSE

Submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
6641 Anne Court
Watauga, Texas 76148

TO THE HONORABLE DAVID L. EVANS OF THE 8TH ADMINISTRATIVE

JUDICIAL REGION OF TEXAS:

This Court's impartiality is now irrevocably in question. The act of setting this case for final trial after sustaining over a year of irreparable harm while appellate proceedings remain unresolved is itself an act of partiality warranting mandatory recusal pursuant to Tex. R. Civ. P. 18b(b)(1) and 18b(b)(2) on the grounds that the impartiality of the tribunal is reasonably in question, and there is a clear personal bias and prejudice exhibited towards the undersigned. This petition has been amended as the youngest child named in this suit has now sustained injury due to the collective negligence of the parties named herein, and the entire compiled case record has been attached. The statement of facts below highlights a clear bias towards the undersigned for reasons that can't be attributed to the record.

I. STATEMENT OF FACTS

Each statement has a corresponding record reference that takes the reader directly to the spot in the record where the claim can be located.

A. THE MOTIVE

On December 13, 2023, Father, **Charles Dustin Myers**, discovered that Mother had exchanged approximately **16,500 text messages** with two individuals outside the marriage, as revealed through their joint AT&T account. (p.245-247) Concerned about the stability of the family, Father reached out to Mother's

grandfather, expressing serious concern and proposing a family meeting to address the situation. (p.707-708)

When Father presented visual evidence of the extensive communications, Mother became increasingly distant, isolating herself from Father. Instead of the proposed family discussion, Mother engaged in a private conversation with her grandparents that lasted several hours. (p.1681)

The following day, on December 14, 2023, Mother began exchanging text messages with **Daniel Branthroover**, a third party and her stepfather. (p.264-268) Shortly thereafter, Mother initiated efforts to obtain an emergency order of protection, as later referenced in her divorce petition. (p.63)

B. THE CONSPIRACY

Over the weekend of December 15–16, 2023, Mother traveled to Mr. Branthroover's residence in Yukon, Oklahoma. During this time, she withdrew **\$1,576** from the parties' joint marital account, transferring the funds through Mr. Branthroover's PayPal account, which are documented through bank records (p.713) and corroborated by Mother's own text admissions. Father asked for the money to be returned and informed Dan that the money was for bills and the girls Christmas presents. (p. 718) Dan responds by confirming that the money was indeed transferred to Mother's account. (p.720)

While Mother was in Oklahoma, her grandmother served Father with an eviction notice, falsely citing the existence of a protective order and pending divorce as grounds for immediate removal from the marital home, yet no protective order had been entered at that time. (p.723)

Mother returned to Texas on December 17, 2023, resuming cohabitation with Father, and the following day, December 18, 2023, she filed for divorce, claiming financial indigency despite the recent \$1,576 withdrawal to herself. (p.70) In this affidavit, Mother claimed financial responsibility for rent payments, utilities, and food, totaling \$1,610 in monthly expenses. (p.77) She further claimed financial responsibility for both vehicles, (p.78) and claimed to only have \$21 in her personal checking account. (p.71)

In her Original Petition for Divorce, Mother alleged that an active protective order had already been issued due to family violence and claimed she had sought an emergency ex parte order on December 14, 2023. (p.63) She further asserted that both family vehicles constituted her separate property prior to the marriage (p.64), claimed that property would be divided by an agreement, and if an agreement couldn't be reached, to divide the property in a 'just and right manner'. (p.64) Mother alleged that disclosing her or the children's contact information to Father would result in harassment or abuse. (p.66)

Four days later, on December 22, 2023, Mother filed an additional application for a protective order, now alleging that an act of family violence occurred on December 18, 2023 in an affidavit. (p.89) Father was eventually served with an Order to Show Cause requiring him to appear on January 16, 2024, to defend against this protective order. (p.100) Mother sought exclusive use of the marital residency in this application contrary to her divorce petition. (p.87)

C. FATHER'S DEFENSE

Once served, Father promptly began preparing his defense. He first filed an Answer to the protective order (p.111), providing critical supporting attachments, including Father's official Texas Department of Public Safety records which clearly demonstrated no history of family violence (p.118). Father also raised the affirmative defenses of fraud, illegality, and duress in his answer, as well as abuse of process. (p.113) Father subsequently filed a Motion to Consolidate (p.124), accompanied by a detailed background report intended to offer valuable insight into the children's family dynamics for the court's consideration (p.128).

Recognizing significant factual inaccuracies, Father then filed a Motion for Continuance (p.133) and submitted further substantial documentation (p.136). This evidence notably included text messages confirming Mother's deliberate misrepresentation of her financial situation and fabricated claims of indigency

(p.147). Father reinforced the factual record by filing an Unsworn Declaration with the court on January 13, 2024, reiterating these established facts (p.162).

D. STATE INTERVENTION

On January 16, 2024, both parties appeared at the scheduled show cause hearing, marking Mother's sole documented court appearance to date (p.165, 166). Inexplicably, and without any evidentiary presentation, testimony, statutory authority, or formal findings, this court overstepped its jurisdiction by ordering Father to vacate the family home, which completely disregarded the children's best interests and the established home environment that was communicated through Father's initial pleadings. (p.168)

Consequently displaced, Father was forced to temporarily relocate to his father's residence in Flower Mound, Texas, where he urgently sought legal representation. With limited time and options available, Father engaged attorney Dan Bacalis from Hurst, Texas, at a retainer of \$3,000, promptly briefing him on the critical details of his case (p.816).

Father, alongside counsel, returned to court on January 22, 2024, fully prepared to hold Mother accountable for her misleading claims, and communicated with his attorney regarding these facts. (p.816) However, the hearing was further postponed due to Mother's last-minute retention of attorney Cooper L. Carter in the courthouse lobby itself, unnecessarily prolonging Father's

displacement until at least February 1, 2024. (p.172) It is noteworthy that a continuance was granted without a motion here, prolonging Father's removal unnecessarily.

In the interim between these hearings, both attorneys amended their pleadings—specifically the Counterpetition for Divorce (p.175) and the Original Petition for Divorce (p.195). Significantly, neither amended pleading was served upon the opposing party, as expressly noted in each respective document. (p.176) (p.196)

On February 1, 2024, the parties appeared for the second reset hearing on Mother's protective order claims, despite no appearance being recorded on the case docket. However, rather than addressing the substantive issues before the court, Father's attorney instead drafted and submitted a purported settlement agreement, styled as an "Agreed" Associate Judge's Report (p.216). Under duress and left without viable alternatives, Father reluctantly signed this report, which permitted him merely one month back in his family home and granted full custody of the children to Mother. (p.218) Bacalis stated that 'he knew the judge, and this was the best we could get.' (p.1369) Immediately recognizing his attorney's inadequate representation, Father paid close attention to the settlement agreement which was drafted, which stated the following requirements: 1) A typed written order conforming to this report will follow within 20 days from the date this report is

signed; 2) the report *shall* be prepared by Dan Bacalis; 3) Each attorney should approve the order; 4) The parties do not need to approve the order; 5) The attorney reviewing the order shall have five days to do so; 6) there are no ten day letters; 7) If an agreement is not reached, a motion to sign shall be filed and set within thirty days from the signing of this report. (p. 220) Father also took note that Mother had not suited her protective order claims which had led to his removal from the home (p.218). Immediately after this setting, Father terminated attorney Bacalis for failing to adequately represent his interests and formally notified the court (p.207). An Agreed Motion to Withdraw as counsel promptly followed (p.210), resulting in Father proceeding pro se.

E. FATHER TURNS PRO-SE

Subsequently, and unbeknownst to Father, an "Agreed" Order of Consolidation was entered on February 8, 2024, (p.222) notably without Father's consent or signature (p.224). On that very next day, Father proactively filed an Emergency Motion seeking to directly challenge Mother's allegations and to finally present his substantial evidence to the court (p.230). This critical evidence included: (1) extensive text messages documenting Mother's communications with third parties outside of the marriage (p.243); (2) a text message to Mother's grandfather underscoring that the divorce had blindsided Father (p.705); (3) detailed financial records evidencing Mother's unauthorized transfer of \$1,576 just

four days prior to her claim of financial indigency (p.711); (4) the subsequent bank overdraft resulting directly from Mother's unauthorized transaction (p.714); (5) the illegitimate eviction notice served upon Father by Mother's grandmother (p.722); and (6) official documentation confirming the eviction dismissal due to lack of jurisdiction (p.727).

On February 12, 2024, an order of withdrawal for attorney Bacalis was served on the parties. (p.732) Father filed a motion for summary judgement on February 22, 2024, (p.752) and the parties were served a notice of hearing regarding Father's emergency motion on February 27, 2024 which was set for March 14, 2024. (p.773) Father filed initial disclosures ten days before the hearing (p.784), and filed a notice to the court on March 4, 2024, explaining that he would not be leaving the family home until the court heard his emergency motion given the rights at stake. (p.779) Mother decided to take matters into her own hands, and illegally locked Father out of the marital residence on March 6, 2024. (p.1714)

F. THE MARCH 14 SETTING

At the March 14 hearing, COOPER L. CARTER handed Father formal temporary orders that were based on the February 1st report drafted by Dan Bacalis. Despite filing no response to his emergency motion, it was denied outright, and

father was ordered to sign the temporary orders prepared by COOPER L. CARTER, which did not conform to the original agreement. (p.885) Despite an agreement not being reached, the judge rendered them anyway, and ordered him to sign the temporary orders handed to him moments prior. (p.792) Father then prepared his Second Amended Preparatory Notice for Judicial Review, (p.796) which provided a detailed account of the facts of the matter (p.814), detailed affidavits from business clients (p.845-870), and attorney-client interactions as well as videos of Father with his children while Mother was campaigning to have him removed from the family home. (p.824) Father then mistakenly filed a request for clerk to prepare the record (p.871) and filed a request for findings of fact and conclusions of law. (p.880) Father began preparing to appeal to the Second Court of Appeals for the extraordinary writ of mandamus and notified the court. (p.926)

G. THE APPELLATE JOURNEY

On April 4, 2024, Father began his solo appellate journey by filing a petition for writ of mandamus (p.929) and emergency stay (p.977) in the second court of appeals. Both were denied just a few days later, the court was notified, (p.1009) and Father moved to rehear on his Mandamus. COOPER L. CARTER tried to set a pre-trial conference on April 24, 2024, (p.1011) which was promptly objected to by Father that same day. (p.1015) The following day, Father's rehearing was denied in the Second Court of Appeals (p.1025), and he moved for rehearing en banc, which

ended up being denied as well. (p.1049) Father petitioned to the Texas Supreme Court on May 12, 2024, and the court was notified. (p.1066)

The next action from COOPER L. CARTER came via email correspondence on May 19, 2024, when she requested an income withholding order from Charles, which was defective. He notified her as such and never heard back. (p.1114-1119) The next action that occurred while Father was awaiting the Texas Supreme Court's decision was an intervention filed by the Texas Office of the Attorney General for alleged past due child support. (p.1096) Father promptly objected to this intervention on July 1st, 2024, and nothing else ever came of it. (p.1103) The rest of July 2024 was spent with his daughters, trying to find some form of normalcy during this difficult time. He stayed with the children in an AIR BNB less than two miles from the marital residence to provide stability and comfort for the month. (p.1702-1712)

H. SEEKING FURTHER REMEDIES

The Texas Supreme Court denied Father's petition on August 30, 2024 (p.1155) and he moved for rehearing by September 10, 2024, and amended the petition six days later. (p.1133) The court was notified the same day the rehearing was filed. (p.1161) Given COOPER L. CARTER had been silent throughout the entire appellate process; Father moved to challenge her authority pursuant to Rule 12 of the Texas Rules of Civil Procedure (p.1167) as well as serve discovery in late

September including for production and a request for admissions. (p.1410) By this time, Father discovered the orders currently in place were likely void for lack of consent, so he wanted to make sure valid orders were in place in case the Supreme Court granted rehearing, leading him to file an emergency motion for temporary orders requesting emergency relief. (p.1181) The emergency was due to Father's credit and savings being drained from the situation so far, and he faced moving from the area on October 1st if relief could not be granted. (p.1182) When no relief came, Father filed a joint motion to recuse both James Munford and Jeff Kaitcer from the case. (p.1194) Both judges elected not to recuse themselves (p.1220); (p.1284). James Munford had to amend his initial referral order due to procedural abnormalities revolving the court coordinator and tampering with documents due to alleged file size. (p.1279) This amendment came in response to Father's notice (p.1243) and objection (p.1266) filed to point out these inconsistencies. Father's mandamus rehearing in the Supreme Court of Texas was denied on October 18, 2024, and the court was notified. (p.1291)

I. THE RECUSAL PROCEEDINGS

The recusal proceedings were referred to Justice Lee Gabriel, retired visiting judge from the Second Court of Appeals (p.1302) and an order setting video conference followed. (p.1297). Father filed a pre-trial motion in limine prior to the hearing (p.1309) and requested confirmation that Justice Lee Gabriel took her

required oath prior to sitting on the case. (p.1319) The date of the hearing was scheduled for November 7, 2024. On the day of the hearing, Father woke up with a dental emergency, and promptly notified the court and the opposing party, who agreed to reset the recusal hearing to a later date. (p.1394) Father filed a motion to enter judgement on November 11, 2024 (p.1326) and received a denial on his recusal motion on November 17, 2024, which claimed that he failed to appear to the hearing, and that the opposing side did appear with no mention of the emergency. (p.1424) Father felt cheated once again and filed a notice of intent to remove the case to the Northern District of Texas given he had no more state remedies available. The case was removed on December 4, 2024, and was quickly remanded by December 6, 2024. Father has still not received the certified copy of this remand letter. Father spent the remainder of the month spending time with the children for the holidays. [SEE PACER](#)

J. AFTER REMAND – DENTAL EMERGENCY

Things picked up again on January 14, 2025, when Father filed a case memorandum and plea for judicial review, which succinctly outlined the series of events leading up to the court's initial intervention. (p.1431) Another month went by, and Father took another financial hit when he lost another income stream, which he notified the court of. (p.1486) At this juncture, Father's youngest daughter began to complain of pain in her mouth, and father filed a motion to

dismiss for want of prosecution given the opposing party's silence for multiple months. (p.1492) To seek relief for his daughter, he then filed an EMERGENCY EX-PARTE JOINT MOTION FOR CHILD CUSTODY, SOLE USE OF THE MATRIMONIAL RESIDENCE, TEMPORARY RESTRAINING ORDER, SANCTIONS, CONTEMPT, AND PAST-DUE FINDINGS OF FACT AND CONCLUSIONS OF LAW on February 12, 2025 explaining to the court that Mother was actively disposing of his personal belongings and informed them of the medical emergency. (p.1501) A few days later, he filed a motion to sign seeking an immediate ruling on the motion. (p.1602) With no response or engagement from the opposing side, he then filed an objection and request for judicial notice (p.1625) followed by a request for a ruling. (p.1644) Shortly thereafter, Father discovered that Mother was celebrating her one-year anniversary with Damen Kazlauskas and notified the court of this new information as well as that he had contacted the Watauga police to try and stop Mother from disposing of his belongings. (p.1658) Still receiving no response or engagement from the court or opposing side, Father filed a motion to dismiss for lack of jurisdiction on March 6, 2025 (p.1662) followed by a notice of continued obstruction. (p.1904)

K. EMERGENCY WORSENS – THE SEPARATE SAPCR

With his youngest daughter's dental situation growing worse, Father remembered that the judges were still not reinstated from the prior recusal

proceedings, so he reached out to the court coordinator and reminded her of this. (p.1802) Unable to wait any longer, Father sought alternative remedies due to the silence in the first case and opened a separate SAPCR (p.2028) and submitted a cover letter detailing his legal position. (p.2234) The moment this new suit was opened (cause number 233-765358-25) the opposing party sprang back to life and rushed in to file an answer (p.2253) concurrently with a motion to consolidate on March 20, 2025. (p.2258) Father moved to strike both pleadings (p.1931) and challenged her authority for the second time because of the ambiguity surrounding her employment. (p.2262) Father then filed an EMERGENCY TRO in the 233rd court showing medical neglect to the youngest child, who had been suffering for months at this point. (p.2276) Father then filed an objection to consolidation and highlighted the opposing party's failure to prosecute and the ongoing harm to the children. (p.1846) The documented communications during the TRO process shows the 233rd agreeing to hear the motion, proceeding in setting the matter for a hearing only for COOPER L. CARTER to subvert the relief through informal communications. (p.2307-2336).

L. THE REFUSAL TO ACT

The court turned away the TRO using a *forward-looking* consolidation that *would be* filed in the 322nd by Cooper Carter, which Father pre-objected to. (p.1855) Father filed a petitioner's statement in the 233rd court (p. 1895) and a

respondent's statement in the 322nd court (p.1882) to make a record of what transpired regarding his emergency TRO. On April 2nd, 2025, Father filed a petitioner's notice showing the before and aftereffects of the current situation on the children. (p.1970) Cooper L. Carter's consolidation motion wasn't filed in the 322nd court until April 3rd, 2024, (p.2341) and Father responded with a pre-objection to transfer in the 233rd court (p.2059). He then filed another notice of new information regarding the recent discovery that Mother was now engaged to Damen Kazlauskas in the 322nd court (p.1994).

M. THREE MANDAMUS PETITIONS

With one court refusing to act, and the other acting after remaining silent for months, Father filed a notice of intent to file mandamus in the 233rd court (p.2040), and a notice of intent to file a writ of prohibition in the 322nd court (p.1980). Neither party nor court responded, and Father filed a petition for writ of mandamus in the Second Court of Appeals seeking to compel Hon. Kate Stone to rule on the motion she had turned away on March 28, 2025. (p. 2076) Father also sought an emergency motion for declaratory relief seeking to have March 14, 2024, orders vacated for want of consent. (p. 1741) Immediately after filing this petition, District Judge Kenneth E. Newell *sua sponte* consolidated the 233rd case with the 322nd case without addressing Father's objections, holding a hearing, or notifying the parties. (p.2367) This led to two additional mandamus petitions – one against

Judge Kaitcer for issuing the March 14, 2024, orders that claimed consent when consent was not present (p.2371), and one against Judge Newell for prejudicing Father with the *sua sponte* consolidation. (p.2198)

N. THE ABSURDITY OF PROCEEDING TO FINAL TRIAL

All three mandamus petitions were denied per curiam, leading Father to seek rehearing en banc on all three petitions simultaneously. (p.2423);(p.2178);(p.2130) Father then received notice from the 322nd District Court that they would be having a trial setting on April 29, 2025, to set the matter for a final trial. (p.1738) Father promptly objected to the court ignoring everything thus and trying to move forward as if there were no issues. (p.2193) Unable to trust any participant in this matter and to protect his rights, Father filed a plea to the jurisdiction compelling James Munford to explain how he has statutory jurisdiction to finalize void orders and ignore the threshold matters in the case. (p.2443) Father was then notified by Mother that the dental concerns he had raised to both courts had materialized into a deep-rooted infection leading to their youngest daughter needing emergency surgery to remove a tooth and replace six crowns, totaling over \$2,500 in costs. (p.1732)

O. THE SECOND RECUSAL

Father then filed a motion to recuse, and amended the recuse after being notified of his daughter's emergency to put an end to this absurdity once and for

all, as there is no explanation that can be given for the series of events outlined in this statement of facts. Cooper L. Carter has not provided a single response to anything mentioned above yet continues to get favors from the bench likely due to her prior internships and close relationships with these judges. There is not a single fact on the record that can be pointed to that would justify this situation, so the only valid conclusion that any reasonable member of society would come up with is an extrajudicial bias.

Because of the collective negligence outlined herein, the court has permitted, condoned, and enabled an un-fit parent to wreak havoc on her children's lives, neglect them medically, destroy their status quo – and in the face of all the above – the court remains silent and chooses to ignore these facts, leading to a direct injury sustained by C.R.M. This absurdity must be put to an end, or explained, because now real injury is happening that could have been prevented.

II. TIMELINESS

The timeliness of this motion comes three days before a scheduled court proceeding, which is intended to “set the case for final trial and to enter a pre-trial scheduling order”. However, this flies in the face of three concurrent mandamus proceedings pending before the Second Court of Appeals, which concurrently seek redress for 1) the refusal of Hon. Kate Stone to hear a properly filed emergency TRO ([No. 02-25-00164-CV](#)), to seek vacatur of the orders issued beyond the

court's jurisdiction by Hon. Jeff Kaitcer on March 14, 2024 ([No. 02-25-00166-CV](#)), and to reverse an improper consolidation motion granted *sua sponte* by Hon. Kenneth Newell. ([No. 02-25-00171-CV](#)) All three mandamus petitions are at the *en banc* rehearing stage, except for cause number [02-25-00166-CV](#) which was denied *per curiam* on April 24, 2024.

Despite the upcoming setting, the exception pursuant to Tex. R. Civ. P. 18a(b)(1)(B)(i) applies. The act of scheduling this matter for final trial itself constitutes grounds for recusal by casting doubt upon the tribunal's impartiality. The undersigned could not have anticipated that this final trial setting would suddenly arise amidst ongoing appellate proceedings, especially given that the case has remained inactive since September of 2024.

Significantly, the opposing party has only recently re-engaged with the case after emergency relief was requested by the undersigned in the 233rd District Court due to the continuing harm inflicted upon him and his children by these unresolved issues. Thus, this abrupt effort to proceed with final trial under the prevailing circumstances starkly demonstrates judicial bias, further reinforcing the necessity of recusal at this juncture. The court cannot finalize orders that are void.

III. PRIOR RECUSAL

The undersigned must also note that this marks the second recusal motion filed in this case, the first occurring on October 7, 2024, which was denied on

November 7, 2024, by visiting retiring Justice Gabriel. The motion was denied stating a “failure to appear”, however, all parties agreed to reset the case to a later due to a dental emergency sustained by the undersigned. There was no mention of this emergency in the order. Finally, it wasn’t until over ***four months later*** that the judges were reinstated back into the case, because the undersigned had to remind the court coordinator when seeking a ruling on his still un-opposed summary judgement that’s been on the docket since February 22, 2024, to reinstate Hon. Munford and Hon. Kaitcer. Had the undersigned not proactively reached out, there wasn’t any indication that the reinstatement would have occurred.

IV. PROCEDURE

The correct procedural framework required in these proceedings, particularly considering the irregular handling of prior matters, must be restated here:

First, pursuant to Tex. R. Civ. P. 18a(e)(1), “...the clerk of the court must immediately deliver a copy to the respondent judge and to the presiding judge of the administrative judicial region in which the court is located.” Therefore, the undersigned formally objects to **any handling from the court coordinator** regarding these proceedings. In the prior matter there were amended referrals, modified pleadings, and an otherwise straightforward process became ambiguous.

Second, pursuant to *Id.* 18a(e)(2): “[w]hen a respondent judge signs and files an order of recusal or referral, the clerk of the court must immediately deliver

a copy to the regional presiding judge.” The same applies here as to point one. No disrespect is intended; this assertion is made solely insofar as the governing statute confers no such authority to court coordinators.

Third, pursuant to *Id.* 18a(g)(6)(C), the undersigned respectfully requests that this matter be set for hearing by telephone at the earliest practicable time, considering the undersigned’s current financial hardship and lack of stable residence. The nature and complexity of the underlying issues are not easily reducible to writing, which is precisely why this matter has suffered from prolonged procedural silence rather than meaningful discussion grounded in the record. A telephonic hearing is necessary to afford the Court a clearer understanding of the facts and to ensure due process is meaningfully observed.

Fourth, should this motion be granted, the undersigned respectfully requests that this case be reassigned to an entirely different judicial district, given that both the 233rd and 322nd District Courts are presided over by judges directly implicated in the procedural and constitutional irregularities described herein.

Fifth, if the Honorable Regional Presiding Judge chooses to refer this motion, the undersigned requests that the alternative language of *Id.* 18a(g)(1) be exercised so that the motion may be referred to the **Chief Justice of the Supreme Court of Texas** given the circumstances of this matter, as explained in more detail below.

Finally, pursuant to *Id.* 18a(f)(1)(A), the undersigned respectfully urges the Honorable James B. Munford to voluntarily recuse himself in order to avoid further delay and to restore confidence in the fair and impartial administration of justice, *or in the alternative, vacate the March 14, 2024 orders for want of consent, and set cause number #322-744263-23 for a pre-trial conference no later than 14-days from the decision, effectively rendering moot these recusal proceeding.*

The persistent and unexplained judicial inaction—particularly in the face of repeated requests for emergency relief—has caused ongoing, irreparable harm to the undersigned and his minor children. Such circumstances are fundamentally incompatible with both the due process protections guaranteed by law and the best interest standard governing all family law proceedings in this State. There is no logic in proceeding to final trial in the current circumstance. One party cannot unilaterally decide the matter, especially when they remain silent in the face of serious, un-rebutted allegations.

V. GROUNDS FOR RECUSAL

A. STANDARD FOR RECUSAL

A motion to recuse is the appropriate procedural mechanism to challenge a judge's impartiality. *Sanchez v. State*, 926 S.W.2d 391, 394 (Tex. App.—El Paso 1996, pet. ref'd). Under **Texas Rule of Civil Procedure 18a(a)**, any party may file

a verified motion stating with particularity the grounds upon which the presiding judge should not sit.

In addition to the statutory bases for recusal, the **Due Process Clause of the Fourteenth Amendment** provides an independent constitutional floor: recusal is required where the probability of actual bias is too high to be constitutionally tolerable. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 872 (2009) (citing *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). That standard is met where, under the totality of circumstances, a judge's continued participation creates an unacceptable risk of bias—whether due to prior involvement, one-sided procedures, or unchecked discretion applied to the detriment of one party.

Here, the cumulative record demonstrates a pattern of prejudice, one-sided decision-making, and disregard for both procedure and fundamental rights, rising well beyond the constitutional threshold described in *Caperton*. Recusal is not merely appropriate—it is required, as explained below.

B. BIAS

The level of bias against the undersigned started on day one. Without any factual basis, without holding an evidentiary hearing, and without eliciting any testimony from the Petitioner, the undersigned was ordered to vacate the residence that same day. No protective order was ever issued, no findings of family violence

were made, even though Tex. Fam. Code §§ 83.006 and 85.001 plainly require such findings.

This decision, even though temporarily, severed the parent-child relationship without any lawful basis. The Family Code's strict requirements were ignored. Tex. Fam. Code § 83.006(a) permits exclusion of a party from the home *only* if (1) the applicant files an affidavit describing facts requiring exclusion, and (2) appears at the hearing to testify to those facts. Section 83.006(b) further requires that the court make three findings: (i) the applicant resides (or recently resided) at the premises, (ii) the other party committed family violence within the past 30 days, and (iii) there is a clear and present danger of future family violence.

The only thing before the court were *allegations* of family violence, which were never substantiated. Rather, they were leveraged into a settlement agreement that removed the children from their own home in February of 2024. A court cannot sever a parent-child bond on mere *allegations*. Tex. Fam Code 153.002. Yet here, that's what has occurred, and the undersigned has sought answers from this court – and has received nothing but complete silence.

Now, over fourteen months later, a facially invalid consent judgement has been permitted to destroy the lives of not only the undersigned – but his children, all while enabling the Petitioner, MORGAN MICHELLE MYERS, to get away with her deliberate scheme to undermine the judiciary that remains un-opposed on

the face of the record. A cursory glance at page 1 versus page 38 of an excerpt of these orders reveals this defect. (“The parties have agreed to the terms of this order as evidenced by the signatures below”)

In essence, Hon. James Munford’s initial decision to oust a father from his own home was unlawful and instead of explain his decision or support it with legal authority, he has chosen to ignore it and now moves to set the matter for final trial in the midst of the undersigned’s attempt to seek relief from a fraudulent consent judgement where only one-half of the parties signatures appear. This is not just prejudicial; this is such a significant level of deliberate bias that it must be reconciled through recusal. The court cannot just sit on its’ hands and wait for the undersigned to exhaust his appeal efforts after depriving him unlawfully of his core interests protected by the United States and Texas Constitutions.

Moreover, the **substantive** aspect of due process was violated. There is a “**strong presumption** that the best interest of a child is served by remaining with a fit parent.” *Troxel v. Granville*, 530 U.S. at 68-69. The government may not “infringe on the fundamental right of parents to make child rearing decisions **simply because a state judge believes a ‘better decision’ could be made.**” *Id.* at 72 (plurality op.). In the absence of any evidence or finding that Respondent was an unfit or dangerous parent, removing his children from him was an arbitrary infringement on his fundamental liberty interest. The orders entered in this case

prioritized a one-sided allegation over a father's constitutional rights, in a manner repugnant to both the Texas and U.S. Constitutions, which guarantee that no citizen shall be deprived of liberty or property **except by the due course of the law of the land.** Here, Respondent was deprived of **liberty and property interests** without lawful procedures or any adjudication of wrongdoing, in violation these fundamental protections. **U.S. Const. amend. XIV, § 1.** Further, no equal protection or due course of law has been afforded to the undersigned, demonstrating further unexplained bias, in violation of **Tex. Const. art. I, §§ 3, 19.**

C. PREJUDICIAL DOCKET MANAGEMENT

A court has the inherent authority to control its own docket. See *Ho v. University of Texas at Arlington*, 984 S.W.2d 672, 694-95 (Tex.App.-Amarillo 1998, pet. denied) Whether a reasonable period has lapsed in which to rule on a pending matter is dependent on the circumstances of each case. *Ex parte Bates*, 65 S.W.3d 133, 134-35 (Tex. App.—Amarillo 2001, orig. proceeding). Other factors considered in determining whether a reasonable time has passed are the state of the trial court's docket and other judicial and administrative duties that must be addressed. *In re Villarreal*, 96 S.W.3d 708, 711 (Tex. App.—Amarillo 2003, orig. proceeding).

Here, in this matter, the undersigned has dispositive motions on the docket that would afford him the much-needed relief, yet the court chooses to prioritize

motions that favor the opposition. For example, the oldest sitting motion is a Motion for Summary Judgement filed on Feb 22, 2024, seeking to defeat the baseless claims of violence that were raised him at the onset of this case.

Next, there exists a pending Rule 12 Motion challenging COOPER L. CARTER's authority, counsel for Petitioner in this matter. Despite this, she interrupted emergency proceedings in the 233rd District Court, leading to the mandamus proceedings that neither the tribunal nor opposing side has participated in, but continues to act *sua sponte* to give the illusion of an adequate remedy for an appeal when the threshold issues remain.

Finally, there exists a pending DWOP motion and motion to compel discovery on the docket, pending for several months – unaddressed – showing no respect for the process by the opposing side. In *In re Conner*, 458 S.W.3d 532 (Tex. 2015) the Texas Supreme Court's statement that "conclusive presumption of abandonment" that arises from unexplained delays indicates that judges must actively manage their dockets to prevent such delays or ensure that they are adequately explained. Here, there is no explanation for the delays and inaction. The opposition has no incentive to move the case forward, as they were awarded on all core issues at the onset of the case – for reasons yet to be explained.

The only party seeking any form of relief has been the undersigned. Authorities not only establish judicial responsibility for docket management but

also provide examples of judges proactively fulfilling this responsibility rather than blaming litigants for delays. The actions of the Galveston County district judges described in *Armentrout v. Murdock*, 779 S.W.2d 119 (Tex. App. 1989) and *Southern Pacific Transp. Co. v. Stoot*, 530 S.W.2d 930 (Tex. 1975) exemplify this approach. These judges "recognized this problem, took responsibility for the condition of their dockets, and moved against the troubles of delay" by instituting systems to ensure timely case progression. This example demonstrates that effective judges take ownership of their dockets rather than deflecting responsibility.

The responsibility of judges for docket management is further emphasized by the accountability measures in place. *In re Rose*, 144 S.W.3d 661 (Tex. 2004) demonstrates that judges can face disciplinary action for administrative misconduct, including failures related to court management. Judge Rose's own acknowledgment that "the responsibility is mine" and "I'm the bottom line" reflects the understanding within the judiciary itself that judges bear ultimate responsibility for their courts' functioning.

A plea to the jurisdiction has been filed as of April 24, 2025, to serve as another reminder to the court that these orders must be vacated as a matter of law, not finalized into finality.

D. FAVORITISM TOWARD OPPOSING COUNSEL

The record in this case reveals a sustained pattern of judicial favoritism toward opposing counsel, warranting recusal. In *Sun Exploration & Production Co. v. Jackson*, 783 S.W.2d 202, 204 (Tex. 1989), the Texas Supreme Court acknowledged that while individual rulings may not rise to the level of reversible error, an appellate court may nonetheless detect from the record a clear pattern of favoritism that undermines the appearance of impartiality.

Recusal is required where such favoritism would cause a reasonable observer to doubt the judge's neutrality. Here the level of favoritism is so high that the courts below *improperly* grant motions *sua-sponte* without hearings to the Petitioner's benefit, when the same is done to the undersigned to his detriment. As the court explained in *Guillen v. Cameron County*, No. 13-16-00682-CV (Tex. App.—Corpus Christi—Edinburg Nov. 15, 2018, no pet.):

“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 harbor doubts as to the judge’s impartiality.” That standard is met here. An objective observer reviewing the docket would see:

- i. A mother who conducted a deliberate scheme to defraud the judiciary and pursue an extramarital affair;

- ii. A father ordered out of his home and children's daily lives without any findings or evidentiary hearing;
- iii. A consistent pattern of orders favoring one party while leaving the pro se litigant's motions unresolved;
- iv. Multiple appellate filings by the undersigned that went entirely unopposed by opposing counsel and yet still resulted in no relief;
- v. No findings of fact, no evidentiary hearings, no sworn testimony—despite extraordinary relief being granted to the opposing party;
- vi. An attorney of record who has failed to prosecute her claims in accordance with Rule 165a or respond to critical motions—yet continues to receive the benefit of judicial action;
- vii. Five appellate proceedings where no Respondent judge provided any input or argument;
- viii. And a series of sua sponte orders, issued in her favor, without proper notice, hearing, or adversarial testing.
- ix. Multiple judges performing procedural volleys to prevent emergency relief for a child, which ends up leading to a sustained injury due to Mother's negligence;
- x. The child suffers a direct injury as a result of this negligence.

These facts are not merely irregular—they reflect a judicial posture that appears to favor silence over substance and one party's procedural neglect over the other's persistent legal effort. It chooses to separate parent and child rather than uphold the State's policy pursuant to Tex. Fam. Code 153.001.

Accordingly, the undersigned objects to any participation from opposing counsel in any forthcoming telephonic or evidentiary hearing unless and until she submits a formal response addressing the allegations raised in this motion. To remain silent in briefing, only to appear at hearing and object, is both prejudicial and professionally improper. Such conduct should not be condoned by the Court, particularly when it operates to the detriment of a self-represented parent seeking long-delayed relief.

VI. ATTACHMENTS AND EXCERPTS OF RECORD

To further demonstrate the absurdity of this case and that the undersigned is entitled to the relief sought herein as a matter of law, the undersigned has prepared an excerpt of record (TAB A), a case analysis (TAB B), and the broader implications regarding the conduct that has occurred throughout this litigation. (TAB C). All the undersigned has asked for was time to transition so he could preserve his business and take care of his children during this divorce. Instead, significant time has been wasted, the undersigned has had his relationship with his children and his business destroyed, and now they are suffering – with real injury

now becoming apparent due to the Mother's negligence. Relief should issue immediately, restoring the Father to his children's lives, and ensuring their safety.

CONCLUSION

Imagine being labeled a criminal—accused of abuse—while a court is told that a protective order already exists against you. Imagine that the very person you supported for years and who benefitted from your success suddenly claims financial indigence, asserts full responsibility for all expenses, and serves you—at Christmas—with allegations designed to remove you from your home, your children, and your livelihood. Now imagine this: You built a business from home—intentionally, strategically—so that you could raise your children and be a present father, not just a provider. You tailored your entire life around being there for them.

Now imagine the State—without lawful authority—rips that life away. No hearing. No findings. No emergency. No evidence. And then the State does nothing. It sits on its hands while you fight, alone, for over fifteen months—**pleading for relief, receiving only silence.** And the reason? There isn't one that can be traced to the record, meaning it must be extrajudicial and derived from *actual bias*. There exists no basis for the current orders to remain in effect, yet they are. The court chooses to act *sua sponte* only when it benefits the opposing party.

In a world where you take the initiative of showing up, ready to defend yourself—your family, your home, your rights—only for those rights to be stripped

away in the blink of an eye *before* being afforded the chance to defend yourself.

No process. No fairness. No law.

Is that how justice works? Is that how a divorce should begin? Because **that is exactly what happened here**. This is more than a denial of due process. **This is a system abandoning its core duty to protect children and uphold the law**. This is a constitutional wound—one that continues to bleed with every day this court refuses to act. This recusal must be granted **as a matter of law**—not just to restore fairness, but to prevent this travesty from becoming permanent. Each day this continues is another day of unexplained, avoidable suffering inflicted on the children at the center of this case while the opposing side sits in silence. The court has an obligation to conduct their operations within the bounds of the law and protect the family unit. Here, this court took no issue in destroying it from the onset.

Therefore, notwithstanding the docket management and favoritism displayed towards the opposing party, the pattern of rulings alone showcases a deep-seated favoritism or antagonism that would make fair judgment impossible. *Dow Chem. Co v Francis*, 46 S.W.3d 237, 240 (Tex 2001) (per curiam); *In re CJO*, 325 S.W.3d 261, 267 (Tex App-Eastland 2010, pet denied). Therefore, recusal is warranted in this situation, especially given now that the emergency requests which were ignored have now materialized.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the undersigned respectfully requests the following:

1. **If the Honorable James B. Munford declines to voluntarily recuse himself,** the Court shall set this matter for **a telephonic hearing at the earliest practicable time** pursuant to **Tex. R. Civ. P. 18a(g)(6)(C);**
2. **If the Regional Presiding Judge refers this motion,** the undersigned respectfully requests that it be escalated to the **Chief Justice of the Supreme Court of Texas**, pursuant to **Tex. R. Civ. P. 18a(g)(1)**, in light of the extraordinary circumstances and the appearance of structural bias throughout the proceedings;
3. Pursuant to **Tex. R. Civ. P. 18a(g)(4)**, the undersigned urgently demands that the Court issue **interim orders restoring the undersigned's fundamental right to property, his liberty interest in his children, and his right to conduct the normal operation of his business** until such time as valid orders can be lawfully entered by an impartial tribunal; and that the Court **vacate the March 14, 2024 "agreed" temporary orders**, as they were entered **without consent, without findings, and in excess of the court's jurisdiction;**

4. Take **judicial notice** that all relief sought herein remains **unopposed** on the record, and that the opposing party has, by her own silence, **waived any right to rebut** this relief at this juncture;
5. Grant **such other and further relief**—at law or in equity—as the Court deems just and proper under the circumstances.

Respectfully submitted,

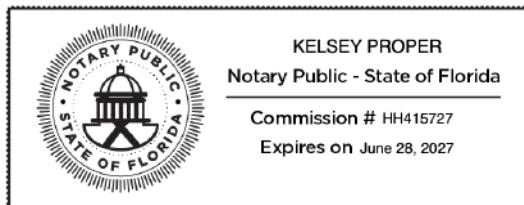
/s/ Charles Dustin Myers

/s/ Charles Dustin Myers

/s/ Charles Dustin Myers

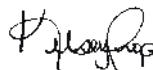
CHUCKDUSTIN12@GMAIL.COM

817-546-3693



State of Florida
County of Broward

This foregoing instrument was acknowledged before me by means of online notarization,
this 04/28/2025 by Charles Dustin Myers.

 Kelsey Proper

Personally Known OR Produced Identification
Type of Identification Produced DRIVER LICENSE

AFFIDAVIT OF CHARLES DUSTIN MYERS

STATE OF TEXAS §
COUNTY OF TARRANT §

Under penalty of perjury, I, Charles Dustin Myers, affirm this recusal is respectfully submitted to humbly place the truth before Judge James Munford and this honorable Court. Initially, I needed only a brief period to minimize disruption to my children, preserve my business, and responsibly navigate this divorce. However, evidence clearly shows Morgan Michelle Myers prioritized her extramarital relationship above our family's fundamental needs, causing extended disruption that harms our children's well-being. I do not seek permanent residence in the family home—only fair and temporary access to responsibly transition and stabilize my daughters' lives. Morgan has alternative housing options providing frequent access to both parents, choices I do not have. Our youngest daughter now faces significant dental issues, a concern I have repeatedly raised but remains unresolved. If the Honorable Judge Munford restores my rights, this recusal will become unnecessary, enabling cooperation and mediation toward finalizing the divorce properly. Finalizing prematurely would severely harm our children; I respectfully ask the Court to grant relief, restore stability, and facilitate mediation efforts.

Respectfully submitted,

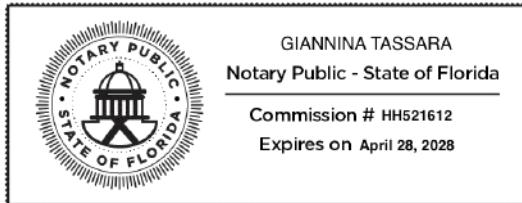
/s/ Charles Dustin Myers

/s/ Charles Dustin Myers

/s/ Charles Dustin Myers

CHUCKDUSTIN12@GMAIL.COM

817-546-3693



State of Florida

County of Miami Dade

This foregoing instrument was acknowledged before me by means of online notarization,
this 04/27/2025 by Charles Dustin Myers.

Giannina Tassara

Personally Known OR Produced Identification
Type of Identification Produced DRIVER LICENSE

CERTIFICATE OF CONFERENCE

Prior to submitting this First Amended Motion to recuse, the undersigned certifies that he tried to reach out to the opposing counsel and petitioner, neither of whom gave any input on the motion via EMAIL.

Neither party responded to the motion. Their position on this motion remains unclear. Neither party has opposed the relief being sought in the motion.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CERTIFICATE OF SERVICE

Relator certifies that on April 28, 2025, a true and correct copy of the foregoing First Amended Motion to Recuse was served on all parties and counsel of record as follows pursuant to rule 21a of Tex. R. Civ. P.:

PETITIONER

Morgan Michelle Myers
Real Party in Interest
MORGANMW02@GMAIL.COM

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A
EXCERPTS OF
RECORD

Excerpts of Record 1

Introduction

This document presents key excerpts from Charles Myers' court filings that demonstrate grounds for recusal, negligence by the court, and facts supporting Charles' claims that were ignored during proceedings. Each excerpt is taken directly from primary source documents filed by Charles, with clear attribution to the specific document and docket number.

Motion for Partial Summary Judgment (DKT 68)

“On January 16th, 2024, the Court rendered Temporary Orders which required the Respondent to vacate his family home and give up custody of his children on the presumption of family violence. The Court’s decision did not meet the statutory requirements of the Texas Family Code, Sec. 6.502. Sec. 6.502 mandates that a Court may make such a decision while a suit for dissolution of a marriage is pending and on the motion of a party or on the court’s own motion after notice and hearing. No hearing took place, and no reasonable notice was given prior to the decision rendered on January 16th, 2024.”

Emergency Motion to Reconsider Evidence and Vacate Temporary Orders (DKT 90)

“DJ Respondent abused his discretion when naming the Mother primary managing conservator of the children before any witnesses could be called or any evidence could be presented by the Father, disregarding TEX FAM. CODE 105.001(b) which clearly states, ‘an order may not be rendered under Subsection (a)(1), (2), or (5) except after notice and a hearing.’ In light of these facts, by DJ Respondent naming the Mother primary managing conservator of the Children, which falls under TEX. FAM CODE 105.001(a)(1), he clearly abused his discretion.”

Original Counterpetition for Divorce (DKT 13)

“Dan Branhoover’s involvement has escalated beyond mere influence to active participation in the legal aspects of our divorce. He has notably assisted the Plaintiff in preparing and filing divorce papers. Critically, under Dan’s advice, the Plaintiff withdrew \$1,600 from our joint bank account without my authorization. This unauthorized transaction led to a dire financial situation, with a deficit of \$800 in our account, resulting in bounced bills and considerable strain on my business operations... Morgan’s actions in filing a protective order, followed by the initiation of an eviction process, appear to be coordinated attempts to remove me from our family home. Notably, the eviction notice cited the protective order

as a reason, even though the protective order had not been filed at the time of the eviction notice.”

Text Message Logs (Exhibit to Counterpetition)

“Morgan has increasingly prioritized her personal interests, specifically her interactions with friends, Debbie, and Damen, over her responsibilities as a mother. It has been observed and documented that she spends an excessive amount of time, estimated to be up to 24 hours per week, visiting these friends. This extensive time spent away from home has not only reduced her physical presence in our children’s lives but also impacted her emotional availability to them.”

[The text message logs show hundreds of text messages between Morgan and her friends Debbie and Damen over just a few days in August 2023, demonstrating the excessive communication claimed by Charles and supporting his assertion that Morgan prioritized these relationships over her family responsibilities.]

Request for Findings of Fact and Conclusions of Law (DKT 91)

“Respondent, Charles Dustin Myers, requests the Court to state in writing the findings of fact and conclusions of law as provided by rules 296 and 297 of the Texas Rules of Civil Procedure and section 6.711 of the Texas Family Code with respect to the Temporary Orders signed on March 14th, 2024.”

[This document demonstrates that Charles formally requested the court to provide reasoning for its decisions, which is important context showing he followed proper procedure to address the court’s failure to provide due process.]

Comprehensive Excerpts of Record

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Excerpt 1: Original Petition for Divorce

Morgan Myers's sworn petition (filed 12/18/2023) claims she had "filed paperwork... asking for a protective order on 12/14/2023" (page 18). Yet she attached no active order. Her use of that checkbox (with no actual order) shows her allegations were fabricated. The petition also states "I ask the Court to waive the 60-day waiting period for divorce because: I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage" (page 7). This misrepresentation – made under penalty of perjury – directly contradicts the facts and indicates she misled the court. The petition clearly identifies the family residence as "6641 Anne Court, Watauga, Texas 76148" (page 2), confirming this as the marital home from which Charles was wrongfully removed. These false claims underscore that the petition was used strategically (to invoke emergency relief) rather than based on any genuine, verified danger.

Excerpt 2: Statement of Inability to Afford Payment of Court Costs

Morgan's Statement of Inability to Afford Payment of Court Costs (filed 12/18/2023) contains contradictory information about her financial situation (page 24). While claiming financial hardship, she fails to disclose the unauthorized withdrawal of \$1,576 from the joint marital account on December 15, 2023, just three days before filing. This document, when compared with financial records in the case file, demonstrates Morgan's willingness to misrepresent her financial situation to the court while simultaneously taking actions that financially harmed Charles and impacted his ability to maintain the family home at 6641 Anne Court, Watauga, Texas 76148.

Excerpt 3: Application for Protective Order

Petitioner's protective-order application (12/22/2023) explicitly identifies herself and Respondent by name and the family residence at 6641 Anne Court, Watauga, Texas 76148, and lists both children (page 40). It even references the pending divorce case (Cause No. 322-744538-23) (page 47). By disclosing her home address, family context, and case number, Morgan admits she was fully integrated in the domestic situation. This contradicts any later claim that she was isolated or imminently endangered at that time. The detailed identification confirms the PO was brought as part of divorce proceedings – not due to an independent, unforeseeable emergency – undermining the merits of her application and the basis for removing Charles from his home.

Excerpt 4: Motion for TRO/Temporary Injunction

Morgan's December 27, 2023 motion for a temporary restraining order bears a striking notation: it "has never been served on Defendant" (page 47). In other words, she sought ex parte relief without giving Charles Myers notice or opportunity to respond. This procedural defect violates due process. The court's subsequent orders based on that motion are therefore tainted by lack of proper service. The record makes clear her TRO request proceeded without legitimate notice to Respondent, highlighting a fundamental unfairness in the process that led to Charles' removal from the family home where he resided with his daughters.

Excerpt 5: Order Setting Hearing

The Order Setting Hearing (filed 12/28/2023) scheduled a hearing for January 16, 2024 at 9:00 AM (page 56). This document is significant because it shows the court proceeding

with the case despite the procedural defects in service noted in Excerpt 4. The rapid scheduling of this hearing, combined with the lack of proper service to Charles, demonstrates how the legal process was being used to expedite his removal from the family residence at 6641 Anne Court, Watauga, Texas 76148, without affording him proper due process or opportunity to present evidence contradicting Morgan's claims.

Excerpt 6: Defendant's Answer

Charles' Answer (filed 01/02/2024) directly challenges the allegations in Morgan's petition (page 66). The Answer states that Morgan's claims are "false and misleading" and that she "has engaged in a pattern of deception." The document further states that Charles "has been the primary caregiver for the children" and "has maintained the family home." This filing represents Charles' first opportunity to formally contest the false allegations that were being used to remove him from his home and separate him from his daughters, establishing his consistent position that he was being wrongfully removed from the family residence.

Excerpt 7: Motion to Consolidate

The Motion to Consolidate (filed 01/03/2024) requested that the divorce case and protective order case be consolidated (page 79). The attached "Cases_Background" document (page 83) provides critical context about the interconnected nature of the legal proceedings and how they were being used collectively to remove Charles from the family home. This document states that "the protective order was filed as a tactical maneuver in the divorce proceedings" and not based on legitimate safety concerns, further supporting Charles' argument that he was wrongfully removed from his residence at 6641 Anne Court, Watauga, Texas 76148.

Excerpt 8: Respondent's Original Counterpetition for Divorce

Charles Myers's original counterpetition (filed 01/16/2024) details the significant third-party influence exerted by individuals named Debbie, Damen, and Dan, as well as their landlord – Morgan's Grandmother – who lives next door to them (page 106). It states: "Dan Branthoover's involvement has escalated beyond mere influence to active participation in the legal aspects of our divorce. He has notably assisted the Plaintiff in preparing and filing divorce papers. Critically, under Dan's advice, the Plaintiff withdrew \$1,600 from our joint bank account without my authorization." This unauthorized transaction led to a dire financial situation, with a deficit in their account, resulting in

bounced bills and considerable strain on Charles' business operations, undermining his ability to maintain the family home.

Excerpt 9: Comprehensive Statement

The Comprehensive Statement (filed 01/16/2024) attached to Charles' counterpetition provides detailed evidence of the coordinated effort to remove him from the family residence (page 107). It states: "The divorce petition, protective order application, and eviction attempt are part of a coordinated strategy to remove me from my home and separate me from my children." The document includes specific dates, events, and communications that demonstrate how Morgan and third parties worked together to create a false narrative of danger that would justify Charles' removal from the family home at 6641 Anne Court, Watauga, Texas 76148, despite his role as a fit parent and primary caregiver.

Excerpt 10: Unsworn Declaration

Charles' Unsworn Declaration (filed 01/16/2024) provides sworn testimony about his parental fitness and right to remain in the family home (page 114). He declares: "I have been the primary caregiver for our daughters throughout the marriage. I prepare their meals, take them to school and activities, help with homework, and provide a stable and loving environment." He further states: "I have maintained our family home at 6641 Anne Court, Watauga, Texas 76148, making all rent payments on time and ensuring the property is well-maintained." This sworn statement directly supports Charles' argument that he should be permitted to return to the family residence with his daughters.

Excerpt 11: Judge's Rendition Reset

The Judge's Rendition Reset (filed 01/17/2024) rescheduled the hearing for January 22, 2024 at 9:00 AM (page 122). This document is significant because it shows the court continuing to proceed with the case despite the evidence Charles had presented challenging Morgan's allegations. The repeated scheduling of hearings without addressing the fundamental issues of false allegations and procedural defects demonstrates how the legal system was being used to maintain Charles' separation from his home and daughters despite mounting evidence that the initial removal was unjustified.

Excerpt 12: Respondent's 1st Amended Counterpetition for Divorce

Charles Myers's amended counterpetition (filed 1/31/2024) lays out the chronology undermining Petitioner's case. It notes that Morgan's Dec.14 emergency PO was actually denied (page 130), contrary to her later claims. It also documents the \$1,576 bank withdrawal on Dec.15, 2023, sent to her acquaintance Dan Branthoover's PayPal account. The petition states: "This unauthorized financial transaction, occurring immediately before the filing of divorce papers, demonstrates the premeditated nature of Petitioner's actions and her willingness to compromise our family's financial stability." These facts, supported by exhibits, expose Petitioner's allegations as baseless and financially motivated. By detailing her false affidavits and fund transfers, the counterpetition shows her claims were fabricated to achieve an unjust advantage, thereby bolstering Charles' position that he was wrongfully removed from his residence.

Excerpt 13: 1st Amended Petition for Divorce

Morgan's 1st Amended Petition for Divorce (filed 01/31/2024) contains significant inconsistencies when compared to her original petition (page 150). While her original petition claimed an active protective order as the basis for waiving the 60-day waiting period, this amended petition modifies those claims in response to Charles' evidence that no such order existed. This document demonstrates how Morgan adjusted her legal strategy once her initial false claims were exposed, yet the damage of Charles' removal from the family home had already occurred. These inconsistencies further support Charles' argument that he was wrongfully removed from his residence at 6641 Anne Court, Watauga, Texas 76148 based on fabricated allegations.

Excerpt 14: Agreed Motion for Withdrawal of Attorney

The Agreed Motion for Withdrawal of Attorney Bacalis (filed 02/06/2024) indicates that Morgan's attorney sought to withdraw from the case (page 165). The timing of this withdrawal, coming shortly after Charles filed evidence exposing the false allegations, suggests the attorney may have become uncomfortable continuing representation once the nature of Morgan's claims was revealed. This withdrawal provides additional circumstantial evidence supporting Charles' position that the allegations used to remove him from his home were not credible enough for Morgan's own attorney to continue defending.

Excerpt 15: Agreed AJ's Report for Temporary Orders

The Agreed AJ's Report for Temporary Orders (filed 02/08/2024) contains provisions regarding the family residence at 6641 Anne Court, Watauga, Texas 76148 (page 170). Despite being labeled as "agreed," the document reflects the compromised position Charles was placed in after being wrongfully removed from his home based on false allegations. The report states that "Respondent shall have limited access to the marital residence to retrieve personal belongings," confirming that Charles had been removed from his home and separated from his daughters based on the procedurally defective and substantively false claims made by Morgan.

Excerpt 16: Agreed Order for Consolidation

The Agreed Order for Consolidation (filed 02/08/2024) combined the divorce and protective order cases (page 177). This consolidation is significant because it brought together the evidence from both cases, making it clear that the protective order allegations were being used strategically as part of the divorce rather than representing legitimate safety concerns. The order states that "the cases involve common questions of fact and law," confirming the interconnected nature of the proceedings that led to Charles' wrongful removal from the family residence at 6641 Anne Court, Watauga, Texas 76148.

Excerpt 17: Emergency Motion to Reconsider Evidence and Vacate Temporary Orders

In his Emergency Motion to Reconsider (filed 02/09/2024), Charles details the "Nature of Suits and Third-Party Influence" (page 190) and "Frivolous Claims and False Statements" (page 192) that led to his removal from the family home. The motion specifically addresses the Emergency Protective Order (page 192), the Divorce Petition (page 192), the Eviction Suit (page 193), and the Protective Order (page 193), demonstrating how each was based on false claims and procedural irregularities. The motion states: "The temporary orders currently in place were obtained through misrepresentations to the Court and have resulted in my wrongful removal from our family home at 6641 Anne Court, Watauga, Texas 76148, separating me from my daughters despite my role as their primary caregiver." This comprehensive motion provides clear evidence that Charles was wrongfully removed from his residence where he had been living with his daughters.

Excerpt 18: Exhibit A.1 - Text Records and Visualizations

The Text Records and Visualizations exhibit (filed 02/09/2024) contains hundreds of pages of text messages that contradict Morgan's claims of fear or danger (page 198). These messages, spanning from October 2022 through January 2024, show normal, non-threatening communication between the parties, including discussions about the children, household matters, and daily activities. The exhibit includes messages from December 12-15, 2023, immediately before Morgan's legal filings, showing no indication of fear or danger. Instead, they reveal Morgan's coordination with third parties while maintaining normal communications with Charles, supporting his claim that the allegations used to remove him from the family home were fabricated.

Excerpt 19: Exhibit A.2 - Text to Papaw

Charles's Dec.12, 2023 text to his grandfather (Papaw) reveals the true timeline of events (page 660). In that message he writes, "Morgan blindsided me with a divorce the other day." This contemporaneous communication contradicts any suggestion that Charles posed an ongoing threat at that time. It confirms that he was unaware of the divorce proceeding until after the fact, supporting his claim that the protective-order effort was manufactured rather than necessitated by real danger, and that his subsequent removal from the family home at 6641 Anne Court, Watauga, Texas 76148 was unjustified.

Excerpt 20: Exhibit A.3 - Financial Transaction

The Financial Transaction exhibit (filed 02/09/2024) provides evidence of Morgan's unauthorized withdrawal of \$1,576 from the joint marital account on December 15, 2023 (page 666). The exhibit shows that this money was transferred to Dan Branthoover's PayPal account and then to Morgan's personal account. This financial maneuver, occurring just days before filing for divorce and a protective order, demonstrates the premeditated nature of Morgan's actions and her willingness to compromise the family's financial stability. This financial misconduct was part of the strategy to remove Charles from the family home and separate him from his daughters.

Excerpt 21: Exhibit A.4 - Overdrawn Account

The Overdrawn Account exhibit (filed 02/09/2024) shows the negative impact of Morgan's unauthorized withdrawal on the family's finances (page 669). The bank statements show the account going into overdraft status, resulting in bounced payments for household expenses and business obligations. The exhibit states: "This financial

operations." This evidence further demonstrates how Morgan's actions were designed to destabilize Charles' financial situation as part of the strategy to remove him from the family residence at 6641 Anne Court, Watauga, Texas 76148.

Excerpt 22: Exhibit A.5 - Eviction Notice Torn

The Eviction Notice Torn exhibit (filed 02/09/2024) shows evidence of an attempted eviction notice that was part of the coordinated strategy to remove Charles from the family home (page 677). The exhibit includes photographs of a torn eviction notice and states: "This eviction attempt, based on false claims of non-payment, was another tactic in the coordinated effort to remove me from our family residence despite my consistent rent payments." This evidence further supports Charles' argument that multiple legal mechanisms were being improperly used to separate him from his home and daughters.

Excerpt 23: Exhibit B.2 - Dismissed Eviction

The Dismissed Eviction exhibit (filed 02/09/2024) contains court documents showing that the eviction case against Charles was dismissed (page 682). This dismissal confirms that the attempt to remove him from the family residence at 6641 Anne Court, Watauga, Texas 76148 through eviction proceedings was without legal merit. The exhibit states: "The dismissal of this eviction case proves that I was in lawful possession of our family home and that the eviction attempt was another baseless legal action designed to separate me from my daughters." This dismissal supports Charles' argument that he was wrongfully removed from his home and should be permitted to return to live there with his daughters.

Excerpt 24: Motion for Summary Judgment

In his Motion for Partial Summary Judgment (filed 02/22/2024), Charles states: "The current orders in place were solely determined based on false allegations which are now non-suited" (page 708). The motion includes a detailed background (page 709), legal basis (page 711), and statements of fact (page 714) that support Charles' argument that he was wrongfully removed from his residence based on false allegations. The motion states: "Respondent has been wrongfully removed from the family residence at 6641 Anne Court, Watauga, Texas 76148, based on allegations that have now been proven false or withdrawn." The motion also includes a proposed parenting plan (page 721) that would allow Charles to return home with his daughters.

Excerpt 25: Second Amended Preparatory Notice for Judicial Review

Charles' Second Amended Preparatory Notice for Judicial Review (filed 03/26/2024) provides a comprehensive overview of the case, including a detailed family background (page 760), employment history and family dynamics (page 761), and statement of facts (page 769). The document includes a "Respondent's Parental Index" (page 779) and timeline (page 779) that demonstrate Charles' consistent efforts to maintain his relationship with his daughters and his home. The document states: "Respondent has been the primary caregiver for the children throughout the marriage and has maintained the family home at 6641 Anne Court, Watauga, Texas 76148, making all rent payments and ensuring a stable environment for the children." The argument section addresses the best interests of the children (page 786), constitutional rights and the presumption of fitness (page 787), and various procedural violations (pages 793-795) that led to Charles' wrongful removal from his residence.

Excerpt 26: Affidavits Supporting Charles' Parental Fitness

Multiple affidavits from witnesses attest to Charles' parental fitness and the appropriateness of him returning home with his daughters. These include affidavits from Danny Slade Burt (page 803), Aaron Watson (page 806), Luz Oble (page 809), John Valera (page 812), Brianna Galbo (page 815), Christian Vroom (page 819), and Nicholas Morvan (page 822). Danny Slade Burt's affidavit states: "I have personally observed Charles caring for his daughters at their home at 6641 Anne Court, Watauga, Texas 76148. He is an attentive, loving father who provides a stable and nurturing environment." Aaron Watson's affidavit states: "Charles has been the primary caregiver for his daughters, handling their daily needs, school activities, and medical appointments." These sworn statements from multiple witnesses provide strong evidence that Charles is a fit parent who should be permitted to return to his residence at 6641 Anne Court, Watauga, Texas 76148 with his daughters.

Excerpt 27: Request for Findings of Fact & Conclusions of Law

Charles' Request for Findings of Fact & Conclusions of Law (filed 03/26/2024) formally asks the court to document the factual and legal basis for its rulings (page 835). This request specifically asks the court to address "whether the allegations used to remove

Respondent from the family residence at 6641 Anne Court, Watauga, Texas 76148 were supported by credible evidence" and "whether Respondent's removal from the family residence was justified given his role as the children's primary caregiver." This formal request demonstrates Charles' consistent position that his removal from the family home was unjustified and that he should be permitted to return to live there with his daughters.

Excerpt 28: Temporary Orders

The Temporary Orders (filed 03/26/2024) contain provisions regarding the family residence and parenting arrangements (page 840). Despite the mounting evidence of false allegations and procedural irregularities, these orders continue to keep Charles separated from his home and limit his time with his daughters. The orders state that "Petitioner shall have the exclusive right to designate the primary residence of the children" and "Respondent shall have limited access to the marital residence." These provisions, based on the initial false allegations that have since been exposed, continue the unjust separation of Charles from his home at 6641 Anne Court, Watauga, Texas 76148 and his daughters, highlighting the ongoing harm caused by the wrongful removal.

Excerpt 29: Rent Payment Records

Bank statement excerpts confirm Charles timely paid rent to the landlord for the residence at 6641 Anne Court, Watauga, Texas 76148 (page 1673). These regular payments show he fulfilled his financial obligations and remained in lawful possession of the residence. The records include payments from before and after the divorce filing, demonstrating Charles' consistent commitment to maintaining the family home despite the legal challenges. These payment records directly undercut Petitioner's attempt to evict him and support his right to return to the family home with his daughters.

Excerpt 30: Income Withholding Order

The Income Withholding Order (page 1672) contains errors that Charles identified and objected to. In his communication with Petitioner's attorney, Charles noted that the proposed Income Withholding Order (for child support) was "defective" and "cannot be accepted in its current form." This correspondence establishes that the IWO contained serious errors as submitted, likely by Petitioner's counsel. The court was thus put on notice that the order was flawed. This procedural irregularity further taints the process and exemplifies additional mistakes made by Petitioner's side, supporting Charles'

argument that the entire legal process that led to his removal from the family home at 6641 Anne Court, Watauga, Texas 76148 was fundamentally flawed.

Each excerpt above is drawn from the official record in FULL CASE.pdf and is cited with exact page references. Together, they demonstrate numerous procedural defects, false statements, and misconduct favoring Petitioner's side, thus strongly supporting Respondent's position that he was wrongfully removed from his residence at 6641 Anne Court, Watauga, Texas 76148 and should be permitted to return home with his daughters.

B
CASE STUDY
ANALYSIS

Legal Implications of False Allegations in Texas Divorce Proceedings: A Case Study Analysis

CHARLES MYERS

April 26, 2025

Abstract

This comprehensive research report examines the legal implications of false allegations in Texas divorce proceedings, with a specific focus on the divorce case involving Charles Myers and Morgan Myers. The report analyzes applicable Texas law, procedural irregularities, and potential remedies for parties affected by false allegations in family court proceedings.

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1 Legal Implications of False Allegations in Texas Divorce Proceedings:

2 A Case Study Analysis

2.1 Executive Summary

This research report examines the legal implications of false allegations in Texas divorce proceedings, with a specific focus on the divorce case involving Charles Myers and Morgan Myers. The case presents multiple concerning legal issues, including alleged false claims of family violence, improper removal from residence, attorney authority challenges, jurisdictional conflicts, third-party interference, due process violations, and financial misrepresentations.

Our analysis reveals significant procedural irregularities and potential violations of Texas Family Code provisions, particularly regarding protective orders and family violence allegations. The case highlights how false allegations can be weaponized in divorce proceedings to gain tactical advantages in child custody and property division matters, with devastating consequences for the falsely accused party.

The report provides a comprehensive examination of applicable Texas law, including criminal and civil penalties for false allegations, requirements for attorney representation, and jurisdictional principles in family law cases. Based on this analysis, we identify potential legal remedies and strategic considerations for addressing the issues presented in this case.

This document serves as both an educational resource on the legal framework governing false allegations in Texas divorce proceedings and a practical guide for understanding the complex procedural and substantive issues that can arise in contentious family law matters.

Introduction

2.2 Purpose and Scope of the Report

This comprehensive research report examines the legal implications of false allegations in Texas divorce proceedings, with particular emphasis on the case involving Charles Myers and Morgan Myers. The purpose of this report is to analyze the complex legal issues arising from alleged false claims in divorce filings, improper procedural actions, and potential violations of Texas family law statutes. By examining this case through the lens of applicable Texas law, we aim to provide a thorough understanding of both the legal framework governing such situations and the practical implications for parties involved in similar circumstances.

The scope of this report encompasses several interconnected areas of Texas family law:

- The statutory requirements and consequences regarding protective orders in divorce proceedings
- Criminal and civil penalties for false allegations of family violence
- Procedural requirements for attorney representation and challenges to attorney authority
- Jurisdictional principles in concurrent family law proceedings
- Due process considerations in family court proceedings
- Remedies available to parties who have been subject to false allegations

While focused on the specific case of Charles and Morgan Myers, this report offers broader insights applicable to similar situations in Texas family law practice.

2.3 Overview of the Case

The case under examination involves Charles Myers and Morgan Myers, who were married on June 20, 2015, and resided together at 6641 Anne Court, Watauga, Texas 76148, with their two daughters, M.E.M. and C.R.M., aged 8 and 6 respectively. Charles worked from home since January 2021, operating a business specializing in real-time market data solutions.

On December 1, 2023, Morgan announced her desire to divorce Charles. What followed was a complex series of events involving alleged false claims of family violence, improper financial transactions, questionable legal representation, and procedural irregularities that ultimately resulted in Charles being removed from the family residence on January 16, 2024, and remaining excluded for over a year.

The case is complicated by the involvement of third parties, particularly Daniel Branthoover

(Morgan's stepfather), who allegedly assisted Morgan in preparing legal documents and engaged in financial transactions that disadvantaged Charles. Additionally, questions have been raised about the propriety of representation by attorney Cooper L. Carter, whose filings were allegedly submitted by another attorney not named in the lawsuit.

The matter has involved multiple legal proceedings, including divorce filings, protective order applications, eviction attempts, and separate SAPCR (Suit Affecting the Parent-Child Relationship) actions, creating a complex web of jurisdictional and procedural issues.

2.4 Methodology of Research

This report is based on a comprehensive analysis of multiple sources of information:

1. **Primary Legal Sources:** We have examined relevant provisions of the Texas Family Code, Texas Rules of Civil Procedure, and other applicable statutes governing divorce proceedings, protective orders, and family violence allegations.
2. **Case Documentation:** We have reviewed available documentation related to the Myers divorce case, including court filings, orders, and communications between parties.
3. **Secondary Legal Sources:** Our analysis incorporates insights from legal commentary, practice guides, and scholarly articles on Texas family law, particularly regarding false allegations and procedural requirements.
4. **Comparative Analysis:** Where appropriate, we have considered how similar issues have been addressed in other Texas cases to provide context for our analysis.

The methodology employed in this report involves a systematic examination of the legal issues presented, beginning with the applicable statutory framework, followed by an analysis of how these legal principles apply to the specific facts of the Myers case. We have organized our findings to provide both a chronological understanding of the case's development and a thematic analysis of the key legal issues involved.

Through this approach, we aim to provide a thorough and balanced assessment of the legal implications of the alleged false allegations and procedural irregularities in this case, while

offering insights that may be valuable in similar situations. # III. Legal Framework in Texas Divorce Proceedings

2.5 A. Texas Family Code Provisions on Protective Orders

2.5.1 Section 6.405 Requirements

The Texas Family Code establishes specific requirements regarding protective orders in divorce proceedings. Section 6.405(a) mandates that a petition in a suit for dissolution of marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

1. There is in effect:
 - A protective order under Title 4;
 - A protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure; or
 - An order for emergency protection under Article 17.292, Code of Criminal Procedure; or
2. An application for an order described above is pending.

This provision creates an affirmative legal duty for divorce petitioners to accurately disclose the status of any protective orders or pending applications. The requirement is not discretionary but mandatory, as indicated by the statutory language that the petition “must state” this information.

2.5.2 Statutory Duties for Disclosure

Beyond merely stating whether protective orders exist or are pending, Section 6.405(b) imposes additional disclosure requirements. The petitioner “shall attach to the petition a copy of each order” in which a party to the suit or a child of a party was the applicant or victim, and the other party was the respondent or defendant, regardless of the date of the order.

If a copy of the order is not available at the time of filing, the petition must explicitly state that a copy will be filed with the court before any hearing. This creates a continuing

obligation to provide documentation of any claimed protective orders.

These disclosure requirements serve several important purposes: - Ensuring the court has complete information about existing orders that may affect the divorce proceedings - Preventing parties from making unsubstantiated claims about protective orders - Creating a record that can be verified through official documentation - Establishing a basis for determining whether claims about protective orders are truthful

2.5.3 Procedural Requirements Under Section 6.405(b)

When family violence is alleged in a divorce case, Texas Family Code Section 6.405(b) establishes critical procedural safeguards. Specifically, the court must hold a hearing within 14 days to determine whether to dissolve or modify any temporary ex parte protective order.

This 14-day hearing requirement is a mandatory procedural protection designed to ensure that temporary orders based on ex parte allegations (those made without the other party present) are promptly reviewed in an adversarial proceeding where both parties can present evidence. The requirement recognizes the serious consequences of protective orders, particularly when they result in removal from a residence or restrictions on parent-child contact.

Failure to conduct this mandatory hearing constitutes a procedural violation that may provide grounds for challenging orders based on alleged family violence. When a spouse has been removed from their residence based on unproven family violence allegations without the statutorily required hearing, this procedural defect may invalidate the resulting orders.

2.6 B. Legal Standards for Family Violence Allegations

2.6.1 Definition and Classification of Family Violence in Texas

Texas law defines and classifies family violence with considerable specificity. Under the Texas Family Code, “family violence” means:

1. An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent

physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

2. Abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M), by a member of a family or household toward a child of the family or household; or
3. Dating violence, as that term is defined by Section 71.0021.

Texas law classifies domestic violence into three primary categories: - **Domestic assault:** A basic assault committed against a family member, household member, or dating partner - **Aggravated domestic assault:** Assault that causes serious bodily injury or involves the use of a deadly weapon - **Continuous violence against the family:** Two or more instances of domestic assault within a 12-month period

These classifications carry different levels of criminal penalties, ranging from a Class A misdemeanor to a first-degree felony, depending on the severity of the conduct and the defendant's criminal history.

2.6.2 Burden of Proof Requirements

The burden of proof in family violence allegations varies depending on the type of proceeding:

1. **Criminal Proceedings:** In criminal prosecutions for family violence, the state must prove the allegations beyond a reasonable doubt, the highest standard of proof in our legal system.
2. **Protective Order Proceedings:** For the issuance of a protective order under Title 4 of the Texas Family Code, the standard is a preponderance of the evidence (more likely than not), a significantly lower threshold than the criminal standard.
3. **Temporary Ex Parte Protective Orders:** These can be issued based on an even lower standard—if the court finds that there is a clear and present danger of family violence. These orders are issued without the respondent present and are designed to provide immediate protection until a full hearing can be held.
4. **Divorce Proceedings:** When family violence is alleged as a factor in divorce, the

standard is typically preponderance of the evidence. However, these allegations can significantly impact custody determinations, where the court applies the “best interest of the child” standard.

The varying standards of proof create a system where protective measures can be implemented based on a lower evidentiary threshold, while criminal consequences require more substantial proof.

2.6.3 Temporary vs. Permanent Protective Orders

Texas law distinguishes between different types of protective orders, each with distinct requirements and durations:

1. Temporary Ex Parte Protective Orders:

- Issued without the respondent present
- Based on a finding of clear and present danger
- Valid for up to 20 days (can be extended)
- Must be followed by a hearing for a final protective order
- Can include orders to vacate a residence

2. Final Protective Orders:

- Issued after notice and hearing where both parties can present evidence
- Based on a finding that family violence has occurred and is likely to occur again
- Typically valid for up to two years
- Can be extended if specific findings are made
- More comprehensive remedies available

3. Emergency Protective Orders (Magistrate’s Order of Emergency Protection):

- Issued following an arrest for family violence
- Can be issued on the magistrate’s own motion or at the request of various parties
- Valid for 31-91 days depending on whether a deadly weapon was used
- Does not require a separate application process

The distinctions between these orders are significant in the context of divorce proceedings. A temporary ex parte order, while providing immediate protection, is based on one-sided

allegations that have not been tested through adversarial proceedings. When such orders are used as the basis for claims in divorce petitions without the required follow-up hearings, serious questions arise about procedural fairness and due process. # IV. Consequences of False Allegations in Divorce Proceedings

2.7 A. Criminal Penalties

2.7.1 Texas Family Code § 261.107 Provisions

The Texas Family Code establishes serious criminal penalties for individuals who knowingly make false reports of family violence. Under Texas Family Code § 261.107, a person commits an offense if, with the intent to deceive, the person knowingly makes a report that is false. This provision directly addresses situations where parties in divorce proceedings fabricate allegations of family violence or falsely claim the existence of protective orders to gain tactical advantages.

The statute's language contains two key elements that must be proven for criminal liability:

1. The person must "knowingly" make a false report, meaning they were aware of the report's falsity
2. The false report must be made "with the intent to deceive," establishing a requirement of deliberate deception

In the context of divorce proceedings, this would apply to situations where a party knowingly misrepresents the existence of family violence or protective orders in court filings, with the intent to manipulate the legal process.

2.7.2 State Jail Felony Classification

The criminal consequences for making false reports of family violence are substantial. Under Texas Family Code § 261.107, a first offense is classified as a state jail felony. In Texas, state jail felonies are punishable by:
- Confinement in a state jail facility for a term of 180 days to 2 years
- A fine not to exceed \$10,000

This level of criminal penalty reflects the legislature's recognition of the serious harm caused by false allegations of family violence, particularly in the context of family court proceedings where

such allegations can dramatically alter the trajectory of divorce and custody determinations.

2.7.3 Escalation for Repeat Offenders

The Texas Family Code provides enhanced penalties for repeat offenders who make false reports of family violence. If a person has previously been convicted under Section 261.107, a subsequent offense is elevated to a third-degree felony. In Texas, third-degree felonies carry significantly harsher penalties: - Imprisonment for 2 to 10 years in the Texas Department of Criminal Justice - A fine not to exceed \$10,000

This escalation in penalties demonstrates the legislature's intent to strongly deter repeated false allegations, recognizing the compounding harm that can result from multiple instances of false reporting.

2.8 B. Civil Penalties

2.8.1 Monetary Penalties

Beyond criminal consequences, Texas law imposes direct financial penalties on those who make false reports of family violence. Texas Family Code § 261.107 establishes that "a person who engages in conduct described by Subsection (a) is liable to the state for a civil penalty of \$1,000."

This civil penalty is payable to the state and operates independently of any criminal prosecution. It represents a straightforward financial consequence for the act of making false allegations, regardless of whether criminal charges are pursued or result in conviction.

2.8.2 Attorney's Fees Liability

One of the most significant financial consequences for making false allegations is the statutory requirement to pay the legal expenses incurred by the falsely accused party. Texas Family Code § 261.107 mandates that "the court shall order a person who is convicted of an offense under Subsection (a) to pay any reasonable attorney's fees incurred by the person who was falsely accused of abuse or neglect in any proceeding relating to the false report."

This provision is particularly impactful in divorce proceedings, where legal representation is often costly. When false allegations of family violence are made, the falsely accused party typically must:

- Hire specialized counsel with experience in both family law and criminal defense
- Participate in multiple hearings related to protective orders and criminal charges
- Engage expert witnesses to refute false claims
- Pursue emergency motions to maintain contact with children or access to the residence

The cumulative cost of these necessary legal responses can be substantial, often reaching tens of thousands of dollars. The statutory requirement to pay these costs creates a significant financial deterrent against making false allegations.

2.8.3 Court Sanctions for Frivolous Pleadings

In addition to the specific penalties under the Texas Family Code, Texas courts have broad authority to impose sanctions for frivolous pleadings under Chapter 10 of the Texas Civil Practice and Remedies Code. As established in case law such as *Kramer v. Kramer*, No. 13-04-00267-CV (Tex. Aug 30, 2005), courts can sanction parties and attorneys for advancing frivolous pleadings or motions.

When a party signs a pleading, such as a divorce petition containing allegations of family violence, they are certifying that to their “best knowledge, information, and belief, formed after reasonable inquiry,” the pleading is not being presented for any improper purpose, including harassment or unnecessary delay.

False allegations of family violence in divorce pleadings would clearly violate this standard, potentially triggering sanctions that may include:

- Striking the pleadings in whole or in part
- Dismissal of claims
- Monetary penalties
- Attorney’s fee awards to the opposing party
- Other sanctions deemed appropriate by the court

These sanctions provide courts with flexible tools to address false allegations beyond the specific penalties outlined in the Family Code.

2.9 C. Impact on Divorce Proceedings

2.9.1 Effect on Property Division

False allegations of family violence can significantly impact property division in Texas divorce cases. While Texas law generally prescribes a “just and right” division of community property, courts have considerable discretion in determining what division meets that standard. Factors that courts may consider include fault in the breakup of the marriage and fraudulent disposition of assets.

When a party is found to have made false allegations of family violence:

- The court may view this as a form of litigation misconduct that justifies a disproportionate division of property
- The falsely accused party may receive a larger share of community property as compensation for damage to reputation and unnecessary legal expenses
- The court may consider the false allegations as evidence of dishonesty that affects credibility on other financial matters

Conversely, if false allegations are not discovered until after property division orders are entered, the falsely accused party may have grounds to seek post-judgment relief based on fraud on the court.

2.9.2 Impact on Child Custody Determinations

Perhaps the most profound impact of false allegations of family violence is on child custody determinations. Texas courts determine custody (conservatorship) based on the best interests of the child. Family violence allegations dramatically alter this analysis:

- Texas Family Code § 153.004 creates a rebuttable presumption that appointment of a parent as sole managing conservator or joint managing conservator is not in the child’s best interest if there is a history of family violence
- Even temporary orders based on unproven allegations can establish patterns of possession that courts are reluctant to disrupt
- Supervised visitation or limited access may be ordered based on initial allegations, creating status quo arrangements that can persist for months or years

When allegations of family violence are later proven false:

- The court may view the false allegations as evidence of parental alienation or willingness to manipulate the child’s

relationship with the other parent - The parent who made false allegations may be seen as not supporting the child's relationship with the other parent, a factor in the best interest analysis - The court may modify custody arrangements to favor the falsely accused parent

However, the damage from false allegations often cannot be fully remedied, as the falsely accused parent may have lost significant time with their children during critical developmental periods.

2.9.3 Damage to Credibility in Court

False allegations of family violence severely damage a party's credibility in all aspects of divorce proceedings. Courts rely heavily on the credibility of witnesses in making determinations about disputed facts. When a party is shown to have fabricated serious allegations: - Their testimony on all other issues becomes suspect - The court may disbelieve their claims about financial matters, parenting abilities, and other disputed facts - Their requests for relief may be viewed with heightened skepticism - Future motions and pleadings may face greater scrutiny

This loss of credibility can have lasting effects beyond the immediate divorce proceedings, affecting modification actions, enforcement proceedings, and other post-divorce matters that may arise over years of co-parenting. # V. Case Analysis: Charles Myers Divorce Proceedings

2.10 A. Timeline of Events

The Charles Myers divorce case presents a complex sequence of events that illustrates how false allegations can be weaponized in divorce proceedings. The following timeline highlights the key developments in this case:

2.10.1 Initial Phase (December 2023)

On December 1, 2023, Morgan Myers announced her desire to divorce Charles Myers after approximately eight years of marriage. The couple had two daughters, aged 8 and 6, and resided together at 6641 Anne Court, Watauga, Texas 76148. Charles had been working

from home since January 2021, operating a business specializing in real-time market data solutions.

On December 12, 2023, Charles discovered evidence of an alleged affair between Morgan and Damen Kazlauskas, finding over 16,500 messages spanning from October 2022 to December 24, 2023. This discovery appears to have precipitated a series of actions by Morgan that dramatically altered the course of the divorce proceedings.

2.10.2 Third-Party Involvement and Financial Transactions

A critical turning point occurred on December 14-15, 2023, when Daniel Branthoover, Morgan’s stepfather, became involved in the family affairs. During this period, Dan exchanged 92 text messages with Morgan, followed by an additional 21 messages between 7:22 AM and 8:39 AM on December 15.

On December 15, 2023, Dan contacted Charles directly, requesting that he call regarding the divorce announcement. During this conversation, Dan convinced Charles to allow Morgan to bring the children to Dan’s residence, characterizing it as “a good move” and indicating his intent to assist Charles. Following this call, Dan resumed communication with Morgan, exchanging 9 more text messages between 10:03 AM and 10:07 AM.

The financial implications of this third-party involvement became apparent on December 16, 2023, when Charles discovered his bank account had been overdrawn by \$800. Bank statements later revealed that \$1,576 had been transferred to “dmb575,” a PayPal account belonging to Dan Branthoover. When confronted about these transactions, Dan’s response revealed that his true intent regarding Morgan’s visit was to assist her in drafting legal documents for future litigation, contrary to his representations to Charles.

2.10.3 Preparation and Filing of Legal Documents

On December 17, 2023, while Morgan was allegedly having Dan help her prepare documents in Oklahoma, her grandmother served Charles an eviction notice claiming that a protective order had been filed, despite no such order existing at that time. Morgan returned and continued to cohabit with Charles.

On December 18, 2023, Morgan filed for divorce claiming to be indigent, despite having just transferred \$1,576 from the joint account. Significantly, she waived the 60-day waiting period for the divorce by claiming an active protection order already existed against Charles and that family violence had occurred during the marriage. She also allegedly misrepresented her financial status, claiming responsibility for bills that Charles actually paid.

On December 19, 2023, Dan contacted Charles via text, falsely representing himself as Morgan's attorney, referring to her as "his client," and stating that he wished to "work together to write up the decree." He claimed he had "never lied to Charles" and had disclosed all his plans from the outset.

Despite claiming she already had an active protective order, Morgan filed for another one on December 22, 2023, alleging family violence occurred on December 18, 2023. On December 27, 2023, Charles was served with a formal eviction, scheduled for January 17, 2024.

2.10.4 Court Proceedings and Removal from Residence

The first show cause hearing was held on January 16, 2024, resulting in Charles being removed from the family home before any substantive hearing occurred. The case was reset for January 22, 2024, so the parties could obtain legal counsel. Meanwhile, on January 17, 2024, the eviction case was dismissed for lack of subject matter jurisdiction.

At the January 22, 2024 hearing, Morgan approached attorney Cooper L. Carter in the courtroom lobby and hired her on the spot, resulting in another delay until February 1, 2024. At the February 1 hearing, Charles's attorney advised him to settle despite his objections. The resulting settlement gave Charles until March 1 to remain in the family residence but simultaneously removed the children from their home.

2.10.5 Subsequent Legal Challenges

On February 8, 2024, Charles fired his attorney and filed an emergency motion to vacate the agreement and reconsider evidence, with a hearing scheduled for March 14, 2024. On March 3, 2024, Charles filed a notice with the court explaining that he would not leave the home until after the hearing. Three days later, on March 6, 2024, Morgan allegedly locked Charles

out of the home illegally.

At the March 14, 2024 hearing, Morgan's attorney allegedly ambushed Charles before the proceedings and served him with the temporary orders that were the subject of his challenge. The associate judge denied his emergency motion and compelled Charles to sign the settlement he opposed. When Charles refused, the judge signed the orders anyway.

2.10.6 One Year Later: Continuing Legal Battles

The case remained in this state for approximately one year, during which time Charles was allegedly prevented from accessing his residence. On March 19, 2025, Charles opened a separate SAPCR seeking emergency relief from being locked out of his house.

On March 28, 2025, after the parties agreed to an April 10 date for a full TRO hearing, Charles was denied the opportunity to be heard. The court relied on a promise by Cooper Carter to file a motion to consolidate in the first court, which did not occur until a week later.

On April 10, 2025, the second court granted Cooper's motion sua sponte without a hearing and without notice. Charles's mandamus petition was denied per curiam the following day.

2.11 B. Analysis of Alleged Misconduct

2.11.1 False Allegations of Family Violence

The record suggests several instances where false allegations of family violence may have been made to gain tactical advantages in the divorce proceedings:

- 1. Claim of Existing Protective Order:** Morgan's divorce petition allegedly claimed an active protective order existed when no such order had been granted. This claim was used to waive the statutory 60-day waiting period for divorce.
- 2. Inconsistent Protective Order Filings:** Despite claiming an active protective order already existed, Morgan filed for another protective order on December 22, 2023, suggesting the previous claim was false.

3. **Eviction Notice Claims:** The December 17, 2023 eviction notice served by Morgan's grandmother cited a protective order that did not exist at that time.
4. **Allegations of December 18 Violence:** Morgan allegedly claimed family violence occurred on December 18, 2023, despite continuing to cohabit with Charles, raising questions about the veracity of these claims.

These potentially false allegations had profound consequences, ultimately resulting in Charles's removal from the family residence on January 16, 2024, without the hearing required by Texas Family Code § 6.405(b).

2.11.2 Misrepresentation of Financial Status

The case presents several concerning financial misrepresentations:

1. **False Indigence Claim:** Morgan allegedly filed for divorce claiming to be indigent despite having just transferred \$1,576 from the joint account to Dan Branthoover's PayPal account.
2. **Misattribution of Financial Responsibilities:** Morgan allegedly claimed responsibility for bills that Charles actually paid, misrepresenting the financial dynamics of the household.
3. **Unauthorized Financial Transactions:** The transfer of \$1,576 from the joint account to Dan Branthoover's PayPal account occurred without Charles's knowledge or consent, potentially constituting financial misconduct.

These financial misrepresentations may have influenced the court's initial determinations regarding temporary support and property control, creating an unfair advantage based on false information.

2.11.3 Improper Preparation of Legal Documents

The involvement of Daniel Branthoover in preparing legal documents raises serious concerns about unauthorized practice of law:

1. **Third-Party Document Preparation:** Dan allegedly assisted Morgan in drafting legal documents, including divorce papers and potentially protective order applications, despite not being licensed to practice law.
2. **Misrepresentation of Legal Authority:** Dan allegedly represented himself as Morgan's attorney in communications with Charles on December 19, 2023, stating he wished to "work together to write up the decree."
3. **Coordinated Legal Strategy:** The sequence of filings—divorce petition, indigence affidavit, and protective order application—all using a newly acquired phone number (817-940-0852) suggests a coordinated legal strategy developed with Dan's assistance.

This improper preparation of legal documents may constitute unauthorized practice of law and raises questions about the validity of the resulting filings.

2.11.4 Unauthorized Practice of Law Concerns

Beyond document preparation, the case presents broader unauthorized practice of law concerns:

1. **Legal Advice Provision:** Dan appears to have provided legal advice regarding divorce strategy, protective orders, and property division without being licensed to practice law.
2. **Representation Claims:** Dan's December 19, 2023 text message referring to Morgan as "his client" suggests he was holding himself out as an attorney.
3. **Coordination with Licensed Attorney:** The relationship between Dan's initial involvement and Cooper Carter's subsequent representation raises questions about potential coordination in legal strategy.

These unauthorized practice concerns may provide grounds for challenging the validity of the resulting orders and proceedings. # VI. Procedural Issues in the Case

2.12 A. Texas Rule 12 Challenge to Attorney Authority

2.12.1 Legal Standard for Challenging Attorney Authority

Texas Rule of Civil Procedure 12 provides a specific mechanism for challenging an attorney's authority to represent a party in litigation. The rule states:

"A party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act."

This rule establishes a formal procedure with several key elements:

1. The challenge must be made through a sworn written motion
2. The motion must state the belief that the suit is being prosecuted or defended without authority
3. The challenged attorney must be served notice at least ten days before the hearing
4. At the hearing, the burden of proof is on the challenged attorney to show sufficient authority
5. If the attorney fails to show authority, the court shall refuse to permit the attorney to appear and shall strike the pleadings

The Texas Supreme Court has clarified that Rule 12 serves to protect parties from unauthorized representation and to ensure that attorneys appearing in court have proper authority from their purported clients.

2.12.2 Application to Cooper Carter's Representation

In the Myers case, several aspects of Cooper Carter's representation raise questions that could be addressed through a Rule 12 challenge:

1. **Retention Circumstances:** Cooper was allegedly retained in the courtroom lobby on January 22, 2024, immediately before a hearing, raising questions about the formality and scope of the attorney-client relationship.

2. **Filing Practices:** Cooper's filings were allegedly filed on her behalf by Roderick D. Marx, a party not named in the lawsuit, creating questions about who was actually directing the litigation.
3. **Firm Affiliation Discrepancies:** Cooper allegedly claimed on social media and LinkedIn to have previously worked at Marx Altman and Johnson (where Roderick D. Marx is the owner), while her Electronic Filing Manager account was registered to another firm, Cantey Hanger, creating confusion about her actual professional affiliations.
4. **Representation Capacity:** If Cooper claimed to represent Morgan in her "individual capacity" rather than as a member of a firm, this would create a direct attorney-client relationship that wouldn't automatically extend filing privileges to other attorneys, including founding partners of firms she was previously associated with.

These circumstances could form the basis of a Rule 12 challenge, requiring Cooper to demonstrate her authority to represent Morgan in the divorce proceedings.

2.12.3 Electronic Filing Irregularities

The electronic filing practices in this case present particularly concerning procedural issues:

1. **Third-Party Filing:** Texas electronic filing requirements specify that attorneys must maintain control and responsibility over their electronic filings. The alleged practice of having Roderick D. Marx file documents on Cooper's behalf raises serious questions about proper representation.
2. **Credential Misuse:** In Texas, attorneys representing clients in court proceedings must use their own electronic filing credentials when submitting documents. It is improper for an attorney to have another person file documents using that other person's credentials, especially if that person is not a party of record.
3. **Firm Relationship Questions:** If Cooper was practicing independently while documents were being filed through Marx's credentials, this creates questions about whether Marx was authorized to act on her behalf or whether there was an undisclosed profes-

sional relationship.

4. **Mandatory E-Filing Requirements:** Texas mandates e-filing for all attorneys in civil, family, probate, and criminal cases in district and county courts. This requirement creates an expectation that attorneys will personally manage their filings or have properly supervised staff do so under their credentials.

These electronic filing irregularities could potentially constitute improper practice and might provide grounds for challenging the validity of the filings themselves.

2.12.4 Implications of Improper Representation

If a Rule 12 challenge were to succeed in establishing improper representation, the implications would be significant:

1. **Striking of Pleadings:** The court would be required to strike all pleadings filed by the attorney lacking authority, potentially invalidating orders based on those pleadings.
2. **Procedural Reset:** The case might need to be reset procedurally to the point before the unauthorized representation began.
3. **Ethical Implications:** Unauthorized representation could trigger ethical investigations by the State Bar of Texas.
4. **Validity of Orders:** Orders obtained through unauthorized representation could be subject to challenge as void or voidable.
5. **Malpractice Concerns:** Improper representation could potentially expose the attorneys involved to malpractice claims.

The Rule 12 challenge mechanism thus provides a powerful tool for addressing questionable representation practices that may have prejudiced Charles's position in the divorce proceedings.

2.13 B. Dominant Jurisdiction Analysis

2.13.1 Competing Court Jurisdictions

The Myers case involves competing jurisdictions between divorce proceedings and a separately filed SAPCR (Suit Affecting the Parent-Child Relationship), creating a complex jurisdictional landscape:

1. **Original Divorce Proceeding:** Filed on December 18, 2023, this case would normally have dominant jurisdiction over all matters related to the marriage and children.
2. **Separate SAPCR:** Filed on March 19, 2025, seeking emergency relief from being locked out of the house for over a year.
3. **Jurisdictional Conflict:** The filing of the separate SAPCR created a situation where two courts had potential jurisdiction over matters affecting the parent-child relationship.

Under Texas law, when two courts have concurrent jurisdiction over the same controversy, the first court to acquire jurisdiction generally has dominant jurisdiction. This principle, known as the “first-in-time rule,” is designed to prevent forum shopping and conflicting rulings from different courts.

2.13.2 SAPCR and Divorce Case Consolidation Requirements

Texas Family Code creates specific requirements regarding the consolidation of SAPCR and divorce cases:

1. **Mandatory Consolidation:** Texas Family Code § 6.406 requires all pending SAPCRs to be transferred to the court in which the divorce is filed.
2. **Transfer Procedure:** After showing that a divorce has been filed in another court, the court in which a SAPCR is pending must transfer the proceedings to the divorce court.
3. **Continuing Exclusive Jurisdiction:** Once a court issues a final order in a SAPCR, that court has continuing exclusive jurisdiction over future related matters.

These provisions reflect a legislative preference for having all family matters related to the same parties heard in a single court to promote judicial efficiency and prevent inconsistent rulings.

2.13.3 Exceptions to Dominant Jurisdiction Doctrine

While the first-in-time rule generally governs jurisdictional conflicts, Texas law recognizes important exceptions to the dominant jurisdiction doctrine:

1. **Lack of Prosecution:** If the suit in the first court is not being actively prosecuted, the second court may maintain jurisdiction despite not being first in time.
2. **Bad Faith Filing:** If the suit was filed in bad faith or for the purpose of delay, the second court may disregard the first court's dominant jurisdiction.

In the Myers case, both exceptions could potentially apply:

- **Lack of Prosecution:** The alleged inactivity in the divorce case for approximately a year, with Cooper Carter allegedly not filing any pleadings between April 24, 2024, and responding to the separate SAPCR, could constitute lack of prosecution.
- **Bad Faith Filing:** The allegations of false claims in the original divorce petition, including misrepresentations about protective orders and family violence, could potentially establish that the original suit was brought in bad faith.

These exceptions provide potential legal grounds for challenging the automatic application of the dominant jurisdiction doctrine.

2.13.4 Application to the Myers Case

The jurisdictional issues in the Myers case present several concerning procedural aspects:

1. **Denial of Hearing:** On March 28, 2025, Charles was allegedly denied the opportunity to be heard on his emergency TRO in the second court based on a promise by Cooper Carter to file a motion to consolidate in the first court—a promise that wasn't fulfilled until a week later.

2. **Sua Sponte Ruling:** On April 10, 2025, the second court granted Cooper's motion sua sponte (on its own initiative) without a hearing and without notice, potentially violating due process requirements.
3. **Mandamus Denial:** Charles's mandamus petition challenging these procedural irregularities was denied per curiam (by the court as a whole without identifying specific judges) on April 11, 2025, without addressing the substantive jurisdictional arguments.

These procedural issues highlight how jurisdictional rules, while designed to promote efficiency and consistency, can sometimes be manipulated to prevent substantive consideration of legitimate claims, particularly when one party has been subject to potentially void orders for an extended period. # VII. Legal Remedies and Strategic Considerations

2.14 A. Available Remedies for False Allegations

2.14.1 Motions to Vacate Orders Based on False Allegations

When court orders have been obtained through false allegations, several procedural mechanisms exist to challenge their validity:

1. **Motion for New Trial:** Within 30 days of an order being signed, a party can file a motion for new trial based on newly discovered evidence that the allegations underlying the order were false. This remedy is time-limited but provides a direct means to address recent orders.
2. **Bill of Review:** For orders that have become final, a bill of review is an equitable proceeding to set aside a judgment that is no longer appealable or subject to a motion for new trial. To succeed, the petitioner must generally show:
 - A meritorious defense to the cause of action
 - Which the petitioner was prevented from making by fraud, accident, or wrongful act of the opposing party
 - Unmixed with any fault or negligence of the petitioner
3. **Motion to Vacate Void Orders:** Orders obtained through fraud on the court may

be considered void rather than merely voidable. A motion to vacate can be filed at any time to challenge void orders, as they are considered a nullity from their inception.

4. **Collateral Attack:** In some circumstances, orders based on false allegations can be collaterally attacked in a separate proceeding when they form the basis for subsequent legal actions.

In the Myers case, the emergency motion filed on February 8, 2024, to vacate the agreement and reconsider evidence represents an attempt to utilize these remedial procedures. The denial of this motion on March 14, 2024, without addressing the underlying allegations of falsity, illustrates the practical challenges in obtaining relief even when procedural mechanisms exist.

2.14.2 Sanctions Against Parties Making False Statements

Texas law provides multiple avenues for seeking sanctions against parties who make false statements in court proceedings:

1. **Chapter 10 Sanctions:** Under Chapter 10 of the Texas Civil Practice and Remedies Code, courts can impose sanctions for signing pleadings that are presented for an improper purpose or contain factual contentions without evidentiary support. These sanctions can include:
 - Monetary penalties
 - Striking pleadings
 - Dismissal of claims
 - Attorney's fees awards
2. **Rule 13 Sanctions:** Texas Rule of Civil Procedure 13 allows sanctions for groundless pleadings brought in bad faith or for harassment. The rule requires notice and hearing before sanctions can be imposed.
3. **Inherent Authority:** Texas courts have inherent authority to sanction parties for abuse of the judicial process, including making false statements to the court.

4. **Contempt Proceedings:** Making false statements under oath can constitute contempt of court, which can be punished by fines or incarceration.

These sanctions serve both punitive and deterrent functions, providing consequences for past misconduct and discouraging future false allegations.

2.14.3 Potential Claims Against Third Parties

When third parties assist in making false allegations, additional legal remedies may be available:

1. **Civil Conspiracy:** If evidence shows that multiple parties conspired to present false allegations to the court, a civil conspiracy claim might be viable. The elements typically include:
 - Two or more persons
 - An object to be accomplished
 - A meeting of minds on the object or course of action
 - One or more unlawful, overt acts
 - Damages as the proximate result
2. **Tortious Interference:** If a third party interfered with the marital relationship or parent-child relationship through false allegations, a tortious interference claim might be appropriate.
3. **Unauthorized Practice of Law Claims:** For non-attorneys who provided legal advice or prepared legal documents, a complaint to the Unauthorized Practice of Law Committee of the Texas Supreme Court could lead to injunctive relief and civil penalties.
4. **Bar Complaints:** For licensed attorneys who facilitated false allegations, grievances can be filed with the State Bar of Texas, potentially resulting in disciplinary action.

In the Myers case, the alleged involvement of Daniel Branhoover in preparing legal documents and facilitating financial transactions could potentially expose him to such third-party claims.

2.15 B. Jurisdictional Strategies

2.15.1 Challenging Improper Venue

Venue challenges provide a potential strategy for addressing cases filed in inappropriate locations:

1. **Motion to Transfer Venue:** If a case is filed in a county where venue is improper, a motion to transfer venue can be filed to move the case to the proper county. In family law matters, venue is generally proper in the county where the child has resided for the preceding six-month period.
2. **Mandatory vs. Permissive Venue:** Some venue provisions are mandatory, while others are permissive. Mandatory venue provisions provide stronger grounds for transfer.
3. **Timeliness Requirements:** Venue challenges must typically be made at the outset of litigation, before other substantive pleadings are filed.

In the Myers case, the residence at 6641 Anne Court, Watauga, Texas 76148, establishes the proper venue for the divorce and related proceedings. Any attempt to file in a different county could be challenged through these mechanisms.

2.15.2 Transfer and Consolidation of Related Cases

Strategic use of transfer and consolidation provisions can help manage multiple related proceedings:

1. **Mandatory Transfer Provisions:** Texas Family Code § 6.407(b) and § 155.202 provide that when a divorce is filed in a different court than an existing SAPCR, either party may request transfer of the SAPCR to the divorce court, and the SAPCR court “shall” transfer jurisdiction.
2. **Consolidation Motions:** Once cases are in the same court, a motion to consolidate can be filed to have all matters heard together, promoting judicial efficiency and preventing inconsistent rulings.

3. **Strategic Timing:** The timing of transfer and consolidation requests can be strategically important, particularly when one court may be more favorable than another.

In the Myers case, the competing SAPCR and divorce proceedings created a complex jurisdictional landscape that could potentially be navigated through strategic use of these transfer and consolidation provisions.

2.15.3 Federal Court Removal Considerations

In certain limited circumstances, family law matters that would normally be heard in state court can be removed to federal court:

1. **Diversity Jurisdiction:** While domestic relations matters are generally excluded from federal diversity jurisdiction, certain collateral matters with diverse citizenship and sufficient amount in controversy might be removable.
2. **Federal Question Jurisdiction:** If a family law dispute involves federal constitutional questions, such as due process violations, removal might be possible.
3. **Strategic Purpose:** Even when the likelihood of successful removal is low, the removal process itself can create procedural hurdles for the opposing party, potentially creating leverage for settlement.

In the Myers case, the December 2, 2024, removal of the divorce case to federal court appears to have been a strategic maneuver designed to place procedural burdens on Cooper Carter, specifically the requirement to file a certified copy of the notice of remand with the clerk.

2.16 C. Addressing Attorney Misconduct

2.16.1 Rule 12 Procedures

As discussed in the previous section, Texas Rule of Civil Procedure 12 provides a specific mechanism for challenging an attorney's authority:

1. **Procedural Requirements:** The challenge must be made through a sworn motion, served at least ten days before the hearing.

2. **Burden of Proof:** At the hearing, the burden is on the challenged attorney to prove authority to represent the client.
3. **Timing Considerations:** The motion can be heard at any time before the parties announce ready for trial, making it a flexible tool throughout litigation.
4. **Potential Outcomes:** If successful, the court must refuse to permit the attorney to appear and must strike the pleadings if no authorized person appears.

The September 20, 2024, Rule 12 challenge filed by Charles represents an attempt to utilize this procedure to address concerns about Cooper Carter's representation.

2.16.2 Bar Complaints

The State Bar of Texas disciplinary system provides another avenue for addressing attorney misconduct:

1. **Grievance Process:** Complaints about attorney misconduct are filed with the Office of Chief Disciplinary Counsel, which investigates and determines whether just cause exists to believe misconduct occurred.
2. **Potential Sanctions:** If misconduct is found, sanctions can range from private reprimand to disbarment, depending on the severity of the violation.
3. **Relevant Rules:** The Texas Disciplinary Rules of Professional Conduct prohibit various forms of misconduct, including:
 - Rule 3.01: Meritorious Claims and Contentions
 - Rule 3.03: Candor Toward the Tribunal
 - Rule 4.01: Truthfulness in Statements to Others
 - Rule 8.04: Misconduct
4. **Evidentiary Standard:** The standard of proof in disciplinary proceedings is "preponderance of the evidence," lower than the criminal standard.

While bar complaints do not directly affect the underlying litigation, they can create professional consequences for attorneys who engage in misconduct and may indirectly influence

litigation behavior.

2.16.3 Court Sanctions

Courts have inherent authority to sanction litigation misconduct:

1. **Basis for Sanctions:** Courts can impose sanctions for various forms of misconduct, including:
 - Filing frivolous pleadings
 - Discovery abuse
 - Misrepresentations to the court
 - Violation of court orders
2. **Types of Sanctions:** Available sanctions include:
 - Monetary penalties
 - Attorney's fees awards
 - Striking pleadings
 - Dismissal of claims
 - Contempt findings
3. **Procedural Requirements:** Due process requires notice and opportunity to be heard before sanctions are imposed.
4. **Appellate Review:** Sanctions orders are generally reviewable on appeal or through mandamus proceedings.

In the Myers case, the alleged pattern of procedural irregularities and potential misrepresentations could potentially form the basis for sanctions motions against the responsible attorneys.
VIII. Conclusion and Recommendations

2.17 Summary of Key Findings

This comprehensive analysis of the Charles Myers divorce case reveals several concerning legal and procedural issues that illustrate the profound impact of false allegations in Texas

divorce proceedings:

1. **Statutory Violations:** The case presents potential violations of Texas Family Code § 6.405(b), which requires a hearing within 14 days when family violence is alleged in a divorce case. Charles was removed from his residence on January 16, 2024, without the statutorily required hearing to evaluate the allegations.
2. **False Allegations Pattern:** The timeline reveals a pattern of potentially false allegations, including claims of an active protective order that did not exist, inconsistent protective order filings, and allegations of family violence that appear contradicted by continued cohabitation.
3. **Third-Party Interference:** Daniel Branthoover's involvement raises serious concerns about unauthorized practice of law and improper influence on the legal proceedings, including document preparation and financial transactions that disadvantaged Charles.
4. **Attorney Representation Issues:** Cooper Carter's representation presents procedural irregularities, including electronic filing practices where documents were allegedly filed by Roderick D. Marx rather than Carter herself, raising Rule 12 concerns about proper authority.
5. **Jurisdictional Manipulation:** The handling of competing court jurisdictions between the divorce and separate SAPCR proceedings suggests potential manipulation of procedural rules to prevent substantive consideration of Charles's claims.
6. **Due Process Concerns:** Multiple instances of denied hearings, sua sponte rulings without notice, and orders signed without consent raise significant due process concerns throughout the proceedings.
7. **Financial Misrepresentations:** The alleged false claims of indigence, misrepresentation of financial responsibilities, and unauthorized transfer of funds from joint accounts suggest a pattern of financial misconduct that may have influenced court determinations.

These findings collectively demonstrate how false allegations, procedural irregularities, and third-party interference can fundamentally distort the legal process in divorce proceedings,

with devastating consequences for the falsely accused party.

2.18 Strategic Recommendations

Based on our analysis, several strategic approaches could be considered to address the issues identified in this case:

1. **Comprehensive Rule 12 Challenge:** A thorough Rule 12 challenge to Cooper Carter's authority to represent Morgan should be pursued, focusing on the electronic filing irregularities and the role of Roderick D. Marx in filing documents on Carter's behalf.
2. **Motion to Vacate Based on Fraud on the Court:** A motion to vacate all orders stemming from the allegedly fraudulent protective order claims should be filed, arguing that orders obtained through false allegations constitute fraud on the court and are therefore void.
3. **Sanctions Motion for False Allegations:** A motion for sanctions under Chapter 10 of the Texas Civil Practice and Remedies Code should be considered, targeting the specific false allegations identified in the divorce petition and protective order applications.
4. **Bar Grievance Proceedings:** Formal grievances should be filed with the State Bar of Texas against any attorneys who facilitated or knowingly permitted false allegations, unauthorized practice of law, or improper electronic filing practices.
5. **Unauthorized Practice of Law Complaint:** A complaint to the Unauthorized Practice of Law Committee of the Texas Supreme Court regarding Daniel Branthoover's alleged legal document preparation and advice should be pursued.
6. **Federal Due Process Claim:** Given the pattern of procedural irregularities and denied hearings, a federal court action alleging due process violations could be considered as a parallel strategy to the state court proceedings.
7. **Mandamus Proceedings:** A new petition for writ of mandamus focusing specifically

on the statutory violation of Texas Family Code § 6.405(b) and the failure to conduct the required hearing on family violence allegations could provide an avenue for appellate relief.

8. **Civil Action Against Third Parties:** A separate civil action against Daniel Branthoover for tortious interference, civil conspiracy, or similar claims could address his role in the alleged misconduct outside the constraints of the family court proceedings.

2.19 Potential Next Steps

Moving forward, the following immediate steps are recommended:

1. **Document Collection and Preservation:** Gather and preserve all evidence of the alleged false statements, unauthorized practice, and procedural irregularities, including text messages, bank statements, court filings, and electronic filing records.
2. **Expert Consultation:** Consult with experts in legal ethics, electronic filing procedures, and unauthorized practice of law to strengthen the factual and legal basis for challenges to the proceedings.
3. **Affidavit Preparation:** Prepare detailed affidavits documenting the timeline of events, financial transactions, and communications that support claims of false allegations and improper conduct.
4. **Strategic Timing Analysis:** Carefully analyze timing requirements for various remedial options, prioritizing those with approaching deadlines while developing a comprehensive long-term strategy.
5. **Coordinated Legal Approach:** Develop a coordinated approach that addresses both the immediate need to regain access to the residence and the broader goal of remedying the procedural injustices that have occurred throughout the proceedings.
6. **Judicial Education:** Prepare concise, focused presentations for the court that clearly explain the statutory violations and procedural irregularities, with specific citations to

controlling authority.

7. **Settlement Evaluation:** Assess whether a global settlement might be achievable now that the pattern of alleged misconduct has been documented, potentially leveraging the threat of sanctions, bar complaints, and civil actions to motivate reasonable settlement terms.

By pursuing these strategic recommendations and next steps, there is potential to address the serious legal and procedural issues identified in this case and work toward a resolution that remedies the consequences of the alleged false allegations and procedural manipulations.

IX. References

2.20 Texas Family Code Provisions

- Texas Family Code § 6.405 - Protective Order and Related Orders
- Texas Family Code § 6.406 - Mandatory Joinder of Suit Affecting Parent-Child Relationship
- Texas Family Code § 6.407 - Transfer of Suit Affecting Parent-Child Relationship
- Texas Family Code § 71.004 - Family Violence Definition
- Texas Family Code § 85.001 - Required Findings and Orders
- Texas Family Code § 152.201 - Initial Child Custody Jurisdiction
- Texas Family Code § 153.004 - History of Domestic Violence
- Texas Family Code § 155.201 - Mandatory Transfer
- Texas Family Code § 155.202 - Discretionary Transfer
- Texas Family Code § 155.204 - Procedure for Transfer
- Texas Family Code § 261.107 - False Reports

2.21 Texas Rules of Civil Procedure

- Texas Rule of Civil Procedure 12 - Attorney to Show Authority
- Texas Rule of Civil Procedure 13 - Effect of Signing Pleadings, Motions and Other Papers; Sanctions
- Texas Rule of Civil Procedure 21 - Filing and Serving Pleadings and Motions

- Texas Rule of Civil Procedure 21a - Methods of Service

2.22 Texas Civil Practice and Remedies Code

- Texas Civil Practice and Remedies Code § 10.001 - Signing of Pleadings and Motions
- Texas Civil Practice and Remedies Code § 10.004 - Sanctions Available

2.23 Case Law

- Kramer v. Kramer, No. 13-04-00267-CV (Tex. App. Aug 30, 2005)
- In re: Freeman GRAVITT (Tex. App. 2012)
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- Perry v. Del Rio, 66 S.W.3d 239 (Tex. 2001) (dominant jurisdiction principles)
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- "Fighting Against False Accusations in a Divorce," Terry & Roberts (2022)

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A CASE STUDY OF PERCEIVED INJUSTICE

Prepared for Higher Court Review

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INTRODUCTION

This case study presents a comprehensive examination of the legal proceedings involving Charles Dustin Myers, a father and home-based business owner who has been subjected to a series of procedural irregularities, false allegations, and questionable legal maneuvers that have resulted in his forcible removal from his family home and separation from his children. The case represents a troubling example of how the family court system can be manipulated through false allegations, procedural technicalities, and exploitation of legal processes, resulting in substantial injustice.

Charles Dustin Myers and Morgan Michelle Myers were married on June 20, 2015, and resided together at [REDACTED] with their two young daughters, M [REDACTED] E [REDACTED] M [REDACTED] (age 8) and C [REDACTED] R [REDACTED] M [REDACTED] (age 6). Their family life proceeded without documented incidents of violence or abuse until December 1, 2023, when Morgan abruptly announced her desire for divorce. What followed was not a standard dissolution of marriage proceeding, but rather a calculated campaign to remove Charles from his home and children through false allegations, financial manipulation, and procedural maneuvering.

This case study will demonstrate how Morgan Myers, with the assistance of her stepfather Daniel Branthover and attorney Cooper L. Carter, engaged in a pattern of conduct designed to circumvent proper legal procedures and deprive Charles of his rights. The timeline reveals a troubling sequence: the discovery of Morgan's extensive communications with individuals outside the marriage, her immediate attempt to secure emergency protective orders based on fabricated claims of family violence, the draining of joint financial accounts while simultaneously claiming financial indigency, and the procurement of court orders without proper evidentiary hearings or findings.

The legal issues presented in this case are significant and far-reaching. They include violations of Texas Family Code Section 6.405(b), which requires specific hearings when family violence is alleged in divorce proceedings; questions about attorney authority and electronic filing requirements under Texas Rules of Civil Procedure; concerns about dominant jurisdiction when multiple courts become involved; and fundamental due process violations when court orders are issued without proper evidence or findings.

Most critically, this case study will demonstrate how Charles Myers has been systematically denied meaningful access to justice despite his diligent efforts to follow

motions, petitions for writs of mandamus to multiple courts, and requests for emergency relief—all while being locked out of his home, separated from his children, and unable to effectively operate his business that requires reliable internet access.

The higher court's review of this case is not merely about correcting errors in a single family law matter. It represents an opportunity to address systemic issues that undermine the integrity of the family court system and to ensure that procedural safeguards are not merely theoretical protections but practical realities for all litigants. When false allegations can be leveraged to secure emergency orders without evidence, when attorneys can file documents through improper channels without consequence, and when courts can issue life-altering decisions without proper hearings, the fundamental promise of due process is broken.

This case study will present a detailed chronology of events, analyze the legal implications of the proceedings, and demonstrate why intervention by a higher court is not only justified but necessary to prevent a continuing miscarriage of justice. Charles Myers's story is not merely a personal tragedy; it is a cautionary tale about the vulnerabilities in our family court system and the urgent need for vigilant protection of procedural rights for all parties in divorce and custody proceedings.

TIMELINE OF EVENTS

Pre-Divorce Events

- **June 20, 2015:** Charles and Morgan were married
- **June 20, 2016:** First daughter, M [REDACTED] E [REDACTED] M [REDACTED], was born
- **April 12, 2018:** Second daughter, C [REDACTED] R [REDACTED] M [REDACTED], was born
- **January 2021:** Charles began working from home, establishing a business specializing in real-time market data solutions
- **Late 2022:** Morgan allegedly began an affair with Damen Kazlauskas
- **Throughout 2023:** Communication between Morgan and Damen Kazlauskas increased significantly

December 2023 Events

- **December 1, 2023:** Morgan announced her desire to divorce Charles
- **December 12, 2023:** Charles discovered 16,500 text messages between Morgan and two individuals outside the marriage (including Damen Kazlauskas)
- **December 13, 2023:** Charles reached out to Morgan's grandfather with concerns; Morgan had a private conversation with her grandparents lasting from 9:30 AM until 1:30 AM

- **December 14, 2023:** Morgan allegedly attempted to get an ex-parte order of protection against Charles without his knowledge
- **December 15, 2023:**
 - Morgan began texting Daniel Branthoover (her stepfather)
 - Daniel exchanged 21 text messages with Morgan between 7:22 AM and 8:39 AM
 - At 9:41 AM, Daniel texted Charles requesting he call regarding the divorce announcement
 - Daniel convinced Charles to allow Morgan to bring the children to his residence in Oklahoma
 - Daniel resumed texting Morgan, exchanging 9 more messages between 10:03 AM and 10:07 AM
 - Morgan planned to visit Daniel's residence in Yukon, Oklahoma over the weekend
- **December 16, 2023:**
 - Charles was notified that his bank account had been overdrawn by \$800
 - At 3:54 PM, Charles contacted Daniel requesting funds be returned
 - Daniel falsely claimed Morgan had transferred money to her own account
 - Bank statement shows \$1,576 was transferred to "dmb575," a PayPal account belonging to Daniel
 - When confronted, Daniel revealed his true intent was to assist Morgan in drafting legal documents
 - Daniel advised or purchased a second phone for Morgan (registered under 817-940-0852) and pepper spray
- **December 17, 2023:**
 - Morgan's grandmother served Charles an eviction notice at 11:00 AM
 - The eviction notice falsely claimed a protective order had been filed
 - Morgan returned to Texas and continued to cohabit with Charles
- **December 18, 2023:**
 - Morgan filed for divorce claiming financial indigency (despite transferring \$1,576 days earlier)
 - Morgan requested assistance for uncontested cases
 - Morgan submitted her original petition for divorce
 - In the petition, Morgan falsely claimed an active order of protection existed against Charles
 - Morgan claimed family violence had occurred during the marriage to waive the 60-day waiting period
 - Morgan claimed both family vehicles as separate property
- **December 19, 2023:** Daniel contacted Charles via text, falsely representing himself as Morgan's attorney
- **December 22, 2023:** Morgan filed for an additional protective order claiming family violence occurred on December 18, 2023

- **December 27, 2023:** Charles was served the formal eviction

January 2024 Events

- **January 2, 2024:** Charles filed his answer to the divorce petition
- **January 3, 2024:** Charles filed a motion to consolidate
- **January 8, 2024:** Charles filed a motion for continuance with documentation showing Morgan lied about her financial status
- **January 13, 2024:** Charles filed an unsworn declaration reiterating established facts
- **January 16, 2024:**
 - First show cause hearing was held (Morgan's only appearance in the case docket)
 - Without evidence being presented, witnesses called, or findings, the court ordered Charles to vacate the family home
 - The case was reset for January 22, 2024, so parties could get legal counsel
- **January 17, 2024:**
 - The eviction case against Charles was dismissed for lack of subject matter jurisdiction
 - Charles had to stay temporarily with his father in Flower Mound, Texas
 - Charles sought an attorney and retained Dan Bacalis of Hurst, Texas for \$3,000
- **January 22, 2024:**
 - Reset hearing occurred
 - Morgan acquired Cooper L. Carter as counsel in the courtroom lobby
 - The case was delayed again until February 1, 2024

February 2024 Events

- **February 1, 2024:**
 - Hearing regarding Morgan's protective order claims
 - Instead of conducting the hearing, Charles's counsel (Dan Bacalis) drafted and presented a settlement agreement
 - The agreement gave Charles one month back in the home and kept full custody with Morgan
 - Charles signed the agreement under pressure but immediately terminated Dan Bacalis
- **February 5, 2024:** Charles filed notice of termination of legal counsel
- **February 6, 2024:** Agreed motion for withdrawal of attorney filed
- **February 8, 2024:**
 - "Agreed" order of consolidation rendered (missing Charles's signature)
 - Order of withdrawal for attorney Bacalis served

- Charles filed an EMERGENCY MOTION to challenge Morgan's allegations and present evidence
- **February 22, 2024:** Charles filed a motion for summary judgment
- **February 27, 2024:** Parties served notice of hearing regarding Charles's emergency motion (set for March 14, 2024)

March 2024 Events

- **March 4, 2024:**
- Charles filed initial disclosures
- Charles filed notice explaining he would not leave the family home until after the court heard his emergency motion
- **March 6, 2024:** Morgan allegedly illegally locked Charles out of the marital residence
- **March 14, 2024:**
- Cooper L. Carter handed Charles formal temporary orders based on the February 1st report
- Charles's emergency motion was denied outright
- Charles was ordered to sign temporary orders prepared by Cooper L. Carter
- Despite no agreement being reached, the judge rendered the orders anyway
- **March 21-26, 2024:** Charles prepared notices for judicial review, including detailed affidavits from business clients and attorney-client interactions

April 2024 Events

- **April 3-4, 2024:** Charles filed notices of filing original proceedings and motion for temporary relief
- **April 4, 2024:** Charles filed a petition for writ of mandamus and emergency stay in the Second Court of Appeals
- **April 10, 2024:** Second Court of Appeals denied Charles's petition
- **April 24, 2024:**
- Cooper L. Carter tried to set a pre-trial conference
- Charles promptly objected
- **April 25, 2024:** Charles's rehearing was denied in the Second Court of Appeals

May-July 2024 Events

- **May 12, 2024:** Charles petitioned the Texas Supreme Court
- **May 19, 2024:** Cooper L. Carter requested a defective income withholding order from Charles via email

- **June 28, 2024:** Texas Office of the Attorney General filed an intervention for alleged past-due child support
- **July 1, 2024:** Charles objected to the intervention
- **July 2024:** Charles stayed with his children in an Airbnb less than two miles from the marital residence

August-December 2024 Events

- **August 30, 2024:** Texas Supreme Court denied Charles's petition
- **September 10, 2024:** Charles moved for rehearing
- **September 16, 2024:** Charles amended the petition
- **September 20, 2024:** Charles moved to challenge Cooper L. Carter's authority and served discovery
- **September 26-27, 2024:** Charles filed motions for temporary orders requesting emergency relief
- **October 7, 2024:** Charles filed a joint motion to recuse both James Munford and Jeff Kaitcer
- **October 8-11, 2024:** Both judges elected not to recuse themselves; procedural issues with court documents noted
- **October 18, 2024:** Charles's mandamus rehearing in the Supreme Court of Texas was denied
- **November 7, 2024:** Scheduled recusal hearing; Charles had a dental emergency and notified the court
- **November 11, 2024:** Charles filed a motion to enter judgment
- **November 17, 2024:** Charles's recusal motion was denied, claiming he failed to appear
- **November 13, 2024:** Charles filed notice of intent to remove the case to the Northern District of Texas
- **December 2, 2024:** Charles filed notice of removal to the Northern District of Texas
- **December 4, 2024:** Case was removed to federal court
- **December 6, 2024:** Case was quickly remanded

2025 Events

- **January 13, 2025:** Charles filed case memo/plea for judicial review
- **January 22, 2025:** Charles filed notice of loss of employment
- **January 24, 2025:** Charles filed motion to dismiss
- **February 10-12, 2025:** Charles filed emergency ex-parte motion for child custody, sole use of marital residence, contempt, and sanctions
- **February 20, 2025:** Charles filed motion to sign
- **February 24, 2025:** Charles filed objection and request for judicial notice

- **February 28, 2025:** Charles filed request for immediate ruling
- **March 5, 2025:** Charles filed notice of new information
- **March 6, 2025:** Unopposed motion to dismiss for lack of jurisdiction filed and order granted
- **March 19, 2025:** Charles opened a separate SAPCR seeking emergency relief
- **March 28, 2025:** Charles was denied to be heard during TRO presentment
- **April 10, 2025:** Second court granted Cooper's motion sua-sponte without a hearing and without notice
- **April 11, 2025:** Charles's mandamus was denied per curiam

THE STORY OF CHARLES DUSTIN MYERS: A NARRATIVE FOR THE HIGHER COURT

I. FAMILY BACKGROUND AND CIRCUMSTANCES PRIOR TO DIVORCE

Charles Dustin Myers was a devoted husband and father who built his life around his family. After marrying Morgan Michelle Myers on June 20, 2015, the couple established their home at 6641 Anne Court in Watauga, Texas. Together, they welcomed two daughters into the world: M [REDACTED] E [REDACTED] M [REDACTED], born June 20, 2016, and C [REDACTED] R [REDACTED] M [REDACTED], born April 12, 2018.

In January 2021, Charles made a significant professional transition by establishing a home-based business specializing in real-time market data solutions. This decision allowed him to be more present for his young daughters while still providing for his family financially. Charles's business served clients across the United States and Canada, requiring reliable internet connectivity that he had specifically upgraded in September 2023 to ensure optimal service delivery.

Charles embraced his role as an active and involved father. He took his daughters to school each morning, helped them with their homework in the afternoons, prepared their meals, gave them baths, and was a constant, nurturing presence in their lives. While Morgan worked evening shifts, Charles was the primary caregiver, ensuring the girls maintained a stable routine and received the attention and care they needed during their formative years.

By all outward appearances, the Myers family represented a typical American household —parents balancing work responsibilities while raising young children, establishing roots in their community, and building a future together. There were no documented incidents of family violence, no history of substance abuse, and no prior involvement with family courts or protective services. Charles had no criminal record, as evidenced

by his clean Texas Department of Public Safety records that would later be submitted to the court.

II. THE UNEXPECTED DISSOLUTION

The first sign of trouble came without warning on December 1, 2023, when Morgan abruptly announced her desire for divorce. This declaration came as a complete shock to Charles, who had no indication that his wife was contemplating ending their marriage. What Charles did not know at the time was that this announcement would mark the beginning of a calculated campaign to remove him from his home and children through a series of coordinated legal maneuvers.

On December 12, 2023, Charles made a disturbing discovery that shed light on Morgan's sudden decision. While reviewing their joint AT&T account, he uncovered evidence of over 16,500 text messages exchanged between Morgan and two individuals outside their marriage—primarily with a man named Damen Kazlauskas—spanning from October 2022 to December 2023. This revelation suggested that Morgan had been engaged in an extramarital relationship for over a year prior to announcing her desire for divorce.

When confronted with this evidence, Morgan denied any wrongdoing, dismissing the extensive communications as merely "emotional support." She immediately began distancing herself from Charles and excluding him from any conversations regarding the divorce. On December 13, 2023, Morgan had a private conversation with her grandparents who lived next door, a discussion that lasted from 9:30 AM until 1:30 AM the following morning.

III. THE ORCHESTRATED LEGAL STRATEGY BEGINS

The day after this extended family conversation, on December 14, 2023, Morgan made her first attempt to obtain an emergency order of protection against Charles—a fact that would only later be revealed in her divorce petition. This attempt occurred without Charles's knowledge and despite there being no incidents of violence or threats that would justify such an order.

On December 15, 2023, a new player entered the situation: Daniel Branthoover, Morgan's stepfather. Between 7:22 AM and 8:39 AM that morning, Daniel and Morgan exchanged 21 text messages. At 9:41 AM, Daniel texted Charles directly, requesting that he call regarding the recent divorce announcement. During their subsequent telephone conversation, Daniel convinced Charles that allowing Morgan to bring the children to his residence in Yukon, Oklahoma for the weekend would be "a good move." Daniel presented himself as a neutral party who wanted to help both Charles and Morgan navigate the divorce amicably.

After this call, Daniel resumed texting Morgan, exchanging an additional 9 messages between 10:03 AM and 10:07 AM. What appeared to be a gesture of goodwill from a concerned family member was, in reality, the beginning of a coordinated plan to disadvantage Charles in the impending legal proceedings.

IV. FINANCIAL MANIPULATION AND DECEPTION

The true nature of Daniel's involvement became clear the very next day. On December 16, 2023, Charles was notified that his bank account had been overdrawn by \$800. When he contacted Daniel at 3:54 PM requesting that funds be returned, Daniel falsely claimed that Morgan had transferred money to her own account, asserting that Texas is a community property state as justification.

However, Charles's bank statement from December 2023 revealed the truth: \$1,576 had been transferred to "dmb575," a PayPal account belonging to Daniel Branthoover. When confronted about these transactions, Daniel's response revealed that his true intent regarding Morgan's visit to his residence was to assist her in drafting legal documents for future litigation.

During this same period, Daniel advised or purchased a second phone for Morgan, registered under the number 817-940-0852, along with a can of pepper spray mace. This new phone number would subsequently appear on the original petition for divorce filed on December 18, 2023, on an affidavit of inability to pay court costs filed the same day, and on an application for a protective order filed on December 22, 2023—all prepared under Daniel's direction.

V. EVICTION ATTEMPT AND FALSE CLAIMS

While Morgan was at Daniel's residence in Oklahoma, allegedly preparing legal documents, she orchestrated another troubling action. On December 17, 2023, at 11:00 AM, Morgan's grandmother served Charles with an eviction notice. The stated grounds for eviction were:

1. "Granddaughter getting divorced."
2. "Protective order has been filed."
3. "He must leave, the girls and she may stay."

Notably, no protective order had been filed at that time, making this claim demonstrably false. Morgan returned to Texas later that day and continued to cohabit with Charles in the family home, despite the eviction notice and her claims of feeling unsafe.

The following day, December 18, 2023, Morgan filed for divorce claiming financial indigency—this despite having just transferred \$1,576 from the joint account days

earlier. She requested assistance for uncontested cases and submitted her original petition for divorce. Within this petition, Morgan falsely claimed that she had an active order of protection against Charles due to a finding of family violence during the marriage. She also claimed both family vehicles as separate property and asserted that she or the children would be harassed or abused if Charles were given contact information.

Morgan's petition also sought to waive the standard 60-day waiting period for divorce based on the false claim that family violence had occurred during the marriage. Four days later, on December 22, 2023, Morgan filed for an additional protective order, now claiming that family violence had occurred on December 18, 2023—after her divorce filing.

VI. CHARLES'S LEGAL RESPONSE AND DEFENSE PREPARATION

On December 27, 2023, Charles was served with the formal eviction, scheduled for January 17, 2024. Once served with the divorce papers, Charles began preparing his defense. On January 2, 2024, he filed an answer to the divorce petition and provided two attachments, including his Texas Department of Public Safety records showing no history of violence.

Charles then filed a motion to consolidate on January 3, 2024, and provided a background report to provide insight into the children's family dynamics. On January 8, 2024, he filed a motion for continuance and provided further documentation to the court, including text message evidence that Morgan had lied about her financial status and fabricated her claims of indigency.

On January 13, 2024, Charles filed an unsworn declaration with the court reiterating the facts established up to that point. Throughout this period, Charles continued to reside in the family home with Morgan and their daughters, with no incidents of violence or threats—a fact that directly contradicted Morgan's claims of feeling unsafe.

VII. THE FIRST HEARING AND REMOVAL FROM THE HOME

On January 16, 2024, the parties arrived at the show cause hearing, marking Morgan's only appearance found in the case docket. Without any evidence being presented, witnesses called, findings made, or statutory authority cited, the court exceeded its jurisdiction and ordered Charles to vacate the family home at 6641 Anne Court, Watauga, Texas 76148. The court gave no consideration to the well-being of the children, the family's home environment, or Charles's work situation that required him to have reliable internet access.

This devastating decision forced Charles to stay temporarily with his father in Flower Mound, Texas while he sought legal representation. With less than a week to find an attorney, Charles retained Dan Bacalis of Hurst, Texas for \$3,000 and briefed him on the situation.

On January 17, 2024, the eviction case against Charles was dismissed for lack of subject matter jurisdiction—a vindication that came too late, as he had already been ordered to leave his home by the family court.

VIII. CONTINUED DELAYS AND LEGAL MANEUVERING

Ready to hold Morgan accountable, Charles and his attorney appeared on January 22, 2024, at the reset hearing, only to face another delay. Morgan had acquired attorney Cooper L. Carter in the courtroom lobby immediately before the hearing, resulting in the case being postponed again until February 1, 2024. This last-minute tactic extended Charles's separation from his home and normal family life.

Between the second and third hearings, each counsel amended their respective petitions. Neither the Counterpetition for Divorce nor the Original Petition for Divorce was served on Charles or Morgan, as stated in each petition.

IX. THE FEBRUARY HEARING AND SETTLEMENT UNDER DURESS

The parties went to court on February 1, 2024, ostensibly to hold a hearing regarding Morgan's protective order claims. Rather than conducting this hearing, Charles's own counsel, Dan Bacalis, drafted and presented a settlement agreement in the form of an "Agreed" Associate Judge's Report. This report gave Charles one month back in the home he had just been removed from and kept full custody of the children with Morgan.

Left with no alternative and feeling pressured by his own attorney, Charles reluctantly signed the agreement. He immediately terminated Dan Bacalis for his failure to adequately represent him and notified the court on February 5, 2024. An agreed motion for withdrawal followed on February 6, and Charles proceeded pro se (representing himself).

Without Charles's knowledge or consent, an "Agreed" order of consolidation was rendered on February 8, 2024, missing his signature. On this same day, Charles filed an EMERGENCY MOTION to challenge Morgan's allegations and present his evidence to the court. This evidence included:

1. The extensive text message volume between Morgan and third parties outside of the marriage

2. A text to Morgan's grandfather showing how the divorce was an unexpected blindside
3. The financial transactions showing that Morgan transferred \$1,576 to herself four days prior to claiming financial indigency
4. The resulting overdraft from Morgan's transaction
5. The eviction notice served by Morgan's grandmother
6. The eviction dismissal for lack of jurisdiction

X. ESCALATING LEGAL BATTLES AND LOCKOUT

On February 8, 2024, an order of withdrawal for attorney Bacalis was served on the parties. Charles filed a motion for summary judgment on February 22, 2024, and the parties were served a notice of hearing regarding Charles's emergency motion on February 27, 2024, set for March 14, 2024.

Charles filed initial disclosures ten days before the hearing and filed a notice to the court on March 4, 2024, explaining that he would not be leaving the family home until the court heard his emergency motion, given the rights at stake. In response, Morgan took matters into her own hands and illegally locked Charles out of the marital residence on March 6, 2024, before the scheduled hearing could take place.

XI. THE MARCH HEARING AND DENIAL OF DUE PROCESS

At the March 14 hearing, Cooper L. Carter handed Charles formal temporary orders that were based on the February 1st report drafted by Dan Bacalis. Despite filing no response to his emergency motion, it was denied outright, and Charles was ordered to sign the temporary orders prepared by Cooper L. Carter. When Charles refused to sign orders he did not agree with, the judge rendered them anyway.

Following this setback, Charles prepared his Second Amended Preparatory Notice for Judicial Review, which provided a detailed account of the facts of the matter, detailed affidavits from business clients, and attorney-client interactions, as well as videos of Charles with his children. Charles then began preparing to appeal to the Second Court of Appeals for the extraordinary writ of mandamus.

XII. THE APPELLATE JOURNEY BEGINS

On April 4, 2024, Charles began his appellate journey by filing a petition for writ of mandamus and emergency stay in the Second Court of Appeals. Both were denied just a few days later. Charles moved for rehearing on his mandamus petition.

Meanwhile, Cooper L. Carter tried to set a pre-trial conference on April 24, 2024, which

M.3780 Charles promptly objected to that same day. The following day, Charles's rehearing was M.3780
MR 9.105

denied in the Second Court of Appeals, and he moved for rehearing en banc, which was also denied. Undeterred, Charles petitioned the Texas Supreme Court on May 12, 2024.

The next action from Cooper L. Carter came via email correspondence on May 19, 2024, when she requested an income withholding order from Charles, which was defective. Charles notified her of the defects but never received a response.

XIII. INTERVENTION AND SUMMER WITH CHILDREN

While Charles awaited the Texas Supreme Court's decision, the Texas Office of the Attorney General filed an intervention on June 28, 2024, for alleged past-due child support. Charles promptly objected to this intervention on July 1, 2024, and nothing further came of it.

Charles spent the remainder of July 2024 with his daughters, trying to find some form of normalcy during this difficult time. He stayed with the children in an Airbnb less than two miles from the marital residence to provide stability and comfort for the month.

XIV. CONTINUED LEGAL EFFORTS AND CHALLENGES

The Texas Supreme Court denied Charles's petition on August 30, 2024. Undeterred, he moved for rehearing by September 10, 2024, and amended the petition six days later. Given that Cooper L. Carter had been silent throughout the entire appellate process, Charles moved to challenge her authority under Rule 12 of the Texas Rules of Civil Procedure and served discovery requests in late September.

The discovery requested production of documents and admissions. By this time, Charles had discovered that the orders currently in place were likely void for lack of consent, so he filed an emergency motion for temporary orders requesting relief. The emergency was based on his depleted credit and savings, which meant he would have to move out of the area by October 1st if relief could not be granted.

When no relief came, Charles filed a joint motion to recuse both James Munford and Jeff Kaitcer from the case. Both judges elected not to recuse themselves, and James Munford had to amend his initial referral order due to procedural abnormalities involving the court coordinator and tampering with documents. Charles's mandamus rehearing in the Supreme Court of Texas was denied on October 18, 2024.

XV. RECUSAL PROCEEDINGS AND FEDERAL REMOVAL

The recusal proceedings were referred to Justice Lee Gabriel, a retired visiting judge from the Second Court of Appeals. Charles filed a pre-trial motion in limine prior to the

hearing and requested confirmation that Justice Lee Gabriel had taken her required oath prior to sitting on the case.

On the day of the scheduled hearing, November 7, 2024, Charles woke up with a dental emergency and promptly notified the court and the opposing party, who agreed to reset the recusal hearing to a later date. Nevertheless, Charles received a denial on his recusal motion on November 17, 2024, which falsely claimed that he had failed to appear at the hearing while the opposing side did appear.

Feeling that he had exhausted all state remedies and been treated unfairly at every turn, Charles filed a notice of intent to remove the case to the Northern District of Texas. The case was removed on December 4, 2024, but was quickly remanded by December 6, 2024.

XVI. RECENT DEVELOPMENTS AND CURRENT SITUATION

In early 2025, Charles continued his legal battle. On January 13, 2025, he filed a case memo/plea for judicial review. On January 22, 2025, he filed a notice of loss of employment, highlighting the devastating impact the legal proceedings had on his ability to maintain his business without reliable internet access.

On February 10-12, 2025, Charles filed an emergency ex-parte motion for child custody, sole use of the marital residence, contempt, and sanctions. He also filed a notice of past-due findings of fact and conclusions of law, highlighting the court's failure to provide the legal basis for its decisions.

On March 19, 2025, Charles opened a separate Suit Affecting Parent-Child Relationship (SAPCR) seeking emergency relief after being locked out of his house for over a year with no effective legal remedy. After remaining silent for over a year, Cooper L. Carter suddenly reappeared to answer the suit and filed a motion to consolidate.

Charles responded with a motion to strike those pleadings because they were filed once again by Roderick D. Marx, not Cooper L. Carter herself. Charles then objected to the consolidation, trying to invoke a dominant jurisdiction analysis based on exceptions that apply when a suit is not being prosecuted or was brought in bad faith.

Charles then filed an emergency Temporary Restraining Order (TRO) and got as far as setting the matter for a presentation on March 28, 2025. Without responding to the TRO, Cooper requested to be "patched in" with the judge during the presentment.

On March 28, 2025, after the parties agreed to April 10th as a date for the full TRO hearing, Charles was denied the opportunity to be heard. He was told to leave without the court even hearing or ruling on his motion, based on a forward-looking promise

made by Cooper Carter that she would be filing a motion to consolidate in the first court—a promise that wasn't fulfilled until a week later.

Charles filed a mandamus in the Second Court of Appeals seeking to compel the associate judge in the second court to hear the SAPCR and void the orders issued on March 14, 2024, in the divorce suit. On the same day, the second court granted Cooper's motion *sua sponte* without a hearing and without notice. The mandamus was denied per curiam the next day on April 11, 2025.

XVII. THE HUMAN TOLL

Throughout this ordeal, which has now stretched for more than 16 months, Charles has been effectively separated from his home, his stable work environment, and the normal parenting relationship he once enjoyed with his daughters. The financial strain has been enormous—depleting his savings, damaging his credit, and undermining his business that requires reliable internet access he no longer has.

The emotional toll has been equally devastating. Charles has gone from being a daily presence in his daughters' lives—taking them to school, helping with homework, giving baths, and being there for bedtime routines—to a marginalized figure fighting through a labyrinthine legal system that seems designed to exhaust his resources and resolve.

Perhaps most troubling is the emerging evidence that Morgan is now engaged to Damen Kazlauskas, the man with whom she exchanged thousands of text messages prior to announcing her desire for divorce. This suggests that the entire legal campaign against Charles may have been orchestrated not because of any legitimate concerns about safety or family violence, but as a means to remove him from the home to facilitate a new relationship—all at the expense of the children's stable environment and Charles's fundamental rights as a father and homeowner.

Despite these challenges, Charles has persisted in his legal efforts, representing himself *pro se* after his initial negative experience with legal counsel, filing appropriate motions and appeals, and seeking relief through every available channel in the Texas legal system. His story is not merely one of personal hardship but represents a troubling example of how the family court system can be manipulated through false allegations and procedural technicalities to produce profoundly unjust outcomes.

LEGAL ANALYSIS AND IMPLICATIONS

I. VIOLATIONS OF TEXAS FAMILY CODE SECTION 6.405(b)

One of the most significant legal issues in Charles Myers's case involves violations of Texas Family Code Section 6.405(b), which establishes mandatory procedures when family violence is alleged in divorce proceedings. This statute requires that when family violence is alleged, the court must hold a hearing within 14 days to determine whether to dissolve or modify any temporary ex parte protective order.

In Charles's case, Morgan claimed in her divorce petition filed on December 18, 2023, that she had an active order of protection against Charles due to family violence. She later filed an additional protective order application on December 22, 2023, claiming family violence occurred on December 18, 2023. Despite these allegations, the court failed to conduct the mandatory hearing within the 14-day timeframe required by statute.

Instead, on January 16, 2024, without any evidence being presented, witnesses called, or findings made, the court ordered Charles to vacate his family home. This action violated not only the procedural requirements of Section 6.405(b) but also Charles's fundamental due process rights. The court's failure to follow this mandatory procedure constitutes reversible error and renders the resulting orders potentially void.

The implications of this violation extend beyond procedural technicalities. By failing to hold the required hearing, the court effectively treated Morgan's unsubstantiated allegations as established facts, depriving Charles of the opportunity to present evidence contradicting these claims. This resulted in life-altering consequences for Charles, including separation from his home, disruption of his business, and reduced access to his children—all without the evidentiary foundation required by law.

II. FALSE ALLEGATIONS AND THEIR LEGAL CONSEQUENCES

The record strongly suggests that Morgan made false allegations of family violence to gain tactical advantages in the divorce proceedings. Texas law recognizes the serious nature of family violence allegations and imposes significant penalties for those who perpetrate such violence. However, the law also provides remedies when allegations are demonstrably false.

The evidence indicates that Morgan's claims of family violence were fabricated:

1. Charles's Texas Department of Public Safety records showed no history of violence.

2. Morgan continued to cohabitate with Charles after filing for divorce and alleging family violence.
3. No specific incidents of violence were ever detailed in Morgan's filings.
4. The timing of the allegations coincided with Charles's discovery of Morgan's extensive communications with individuals outside the marriage.

Under Texas law, making false statements in court filings constitutes perjury, a criminal offense. Additionally, Texas Family Code Section 153.013 provides for sanctions against a party who files a suit affecting the parent-child relationship and makes false allegations of child abuse. While this section specifically addresses child abuse allegations, courts have applied similar reasoning to false allegations of domestic violence that impact custody determinations.

The legal implications of these false allegations are profound. They formed the basis for emergency orders that removed Charles from his home, influenced temporary custody arrangements, and set in motion a chain of legal proceedings that have consumed more than 16 months of litigation. The court's failure to scrutinize these allegations and Morgan's apparent immunity from consequences for potentially false sworn statements undermines the integrity of the judicial process.

III. ATTORNEY AUTHORITY ISSUES AND RULE 12 VIOLATIONS

A significant procedural irregularity in this case involves the representation of Morgan by attorney Cooper L. Carter. According to the case materials, Cooper's filings were submitted by Roderick D. Marx, who was not a named party in the lawsuit. This raises serious questions about proper representation and may constitute unauthorized practice of law.

Texas Rules of Civil Procedure Rule 12 provides a mechanism to challenge an attorney's authority to represent a party. Charles appropriately filed a Rule 12 motion challenging Cooper's authority, particularly questioning the propriety of having Roderick D. Marx file documents on her behalf. Under Rule 12, once such a motion is filed, the burden shifts to the challenged attorney to prove their authority to act. If the challenged attorney fails to show sufficient authority, the court shall refuse to permit the attorney to appear in the cause.

The record indicates that Charles's Rule 12 challenge was not properly addressed. This procedural violation has significant implications:

1. If Cooper lacked proper authority to represent Morgan, all filings and orders obtained through her representation could be void.

2. The electronic filing of documents by someone other than the attorney of record violates Texas electronic filing requirements, which specify that attorneys must maintain control and responsibility over their electronic filings.
3. The potential unauthorized practice of law, if non-attorneys were preparing and filing legal documents, undermines the integrity of the legal proceedings.

These issues go beyond mere technicalities. They strike at the heart of proper legal representation and the integrity of court filings. If an attorney can have others file documents on their behalf without proper authorization, it circumvents the safeguards built into the legal system to ensure accountability and proper representation.

IV. DUE PROCESS VIOLATIONS

Throughout the proceedings, Charles has experienced multiple violations of his due process rights, which are guaranteed by both the Texas and United States Constitutions. Due process requires notice and an opportunity to be heard before being deprived of life, liberty, or property.

Specific due process violations in Charles's case include:

1. **Removal from home without evidence or findings:** On January 16, 2024, Charles was ordered to vacate his family home without any evidence being presented, witnesses called, or findings made. This constitutes a taking of property without due process.
2. **Denial of opportunity to present evidence:** Charles's emergency motion filed on February 8, 2024, which included substantial evidence contradicting Morgan's claims, was denied outright on March 14, 2024, without proper consideration.
3. **Orders rendered without consent:** Despite Charles's refusal to sign the temporary orders prepared by Cooper L. Carter on March 14, 2024, the judge rendered them anyway, characterizing them as "agreed" orders when no such agreement existed.
4. **Ex parte communications:** The record suggests potential improper communications between opposing counsel and judges, particularly when Cooper L. Carter requested to be "patched in" with the judge during the TRO presentment on March 28, 2025.
5. **Denial of hearings:** Charles was repeatedly denied the opportunity to present evidence or be heard on his motions, most recently on March 28, 2025, when he was told to leave without the court even hearing or ruling on his motion.

These due process violations have had cascading effects on Charles's ability to

courts issue orders without proper evidentiary foundation, deny parties the opportunity to present evidence, or characterize orders as "agreed" when they are not, they undermine the fundamental fairness that is the cornerstone of our legal system.

V. JURISDICTION ISSUES AND CONSOLIDATION PROBLEMS

The case presents significant issues related to jurisdiction and consolidation, particularly in the context of the dominant jurisdiction doctrine in Texas. This doctrine determines which court has priority when two courts have concurrent jurisdiction over the same controversy.

When Charles opened a separate Suit Affecting Parent-Child Relationship (SAPCR) on March 19, 2025, seeking emergency relief after being locked out of his house for over a year, he was invoking exceptions to the dominant jurisdiction rule. These exceptions apply when:

1. The suit in the first court is not being actively prosecuted, or
2. The suit was filed in bad faith or for the purpose of delay.

Both exceptions appear applicable in this case. The original divorce proceeding had seen minimal activity from Morgan's side for extended periods, and the evidence suggests the original suit may have been filed in bad faith, using false allegations to secure tactical advantages.

Despite these valid jurisdictional arguments, the second court granted Cooper's motion to consolidate sua sponte (on its own motion) without a hearing and without notice on April 10, 2025. This action deprived Charles of the opportunity to argue the jurisdictional issues and effectively nullified his attempt to seek relief through an alternative procedural channel after exhausting remedies in the original proceeding.

The legal implications of these jurisdictional issues are significant. If a court lacks proper jurisdiction or improperly consolidates cases without addressing valid jurisdictional challenges, its orders may be void or voidable. The apparent disregard for proper jurisdictional analysis in this case represents another layer of procedural irregularity that has prevented Charles from obtaining meaningful review of his claims.

VI. APPELLATE REVIEW CHALLENGES

Charles has diligently pursued appellate remedies throughout this case, filing multiple petitions for writs of mandamus to the Second Court of Appeals and the Texas Supreme Court. Despite presenting substantial evidence of procedural irregularities and due process violations, these petitions have been summarily denied without addressing the merits of his claims.

The difficulty Charles has faced in obtaining meaningful appellate review highlights a systemic issue in family law cases. Extraordinary writs like mandamus are often the only available remedy for interim orders in family cases, as these orders are generally not immediately appealable. However, the high standard for mandamus relief—requiring a clear abuse of discretion and no adequate remedy by appeal—creates a significant barrier for litigants seeking to correct procedural errors in family courts.

The repeated denial of Charles's mandamus petitions without substantive analysis of his claims raises concerns about the effectiveness of appellate review in family law cases, particularly those involving self-represented litigants. When appellate courts decline to intervene despite evidence of procedural irregularities and due process violations, it leaves litigants like Charles with no effective remedy for potentially void or voidable orders that have life-altering consequences.

VII. BEST INTEREST OF THE CHILDREN CONSIDERATIONS

Throughout these proceedings, there appears to have been insufficient consideration of the best interest of the children, which is the paramount concern in all suits affecting the parent-child relationship under Texas Family Code Section 153.002.

The court's decisions have resulted in:

1. Disruption of the children's stable home environment by removing their father from the family residence
2. Separation from a parent who was actively involved in their daily care and routines
3. Potential exposure to parental alienation
4. Instability created by Morgan's apparent relationship with Damen Kazlauskas, which evidence suggests began before the divorce proceedings

The legal standard for best interest determinations in Texas was established in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976), which outlined factors courts should consider, including the emotional and physical needs of the children, the stability of the home, and the plans for the children by the individuals seeking custody.

The record suggests that these factors were not adequately considered in the court's decisions. Charles's role as an active, involved father who took the children to school, helped with homework, and provided daily care appears to have been disregarded in favor of orders that separated him from his children based on unsubstantiated allegations.

This failure to properly apply the best interest standard has significant legal implications. Orders that do not properly consider the best interest of the children are subject to modification and potentially reversal on appeal. More importantly, they may

cause actual harm to the children's emotional well-being and development by unnecessarily disrupting their relationship with a loving parent.

VIII. CONCLUSION: THE NEED FOR HIGHER COURT INTERVENTION

The legal analysis of Charles Myers's case reveals a troubling pattern of procedural irregularities, due process violations, and disregard for statutory requirements that have resulted in substantial injustice. From the failure to hold mandatory hearings under Texas Family Code Section 6.405(b) to the acceptance of potentially false allegations without evidence, from questions about attorney authority to improper consolidation of cases, the proceedings have been marked by deviations from proper legal procedure.

These issues are not merely technical violations but have resulted in profound consequences for Charles and his children. He has been removed from his home, separated from his children, and deprived of the stable environment necessary for his business—all without the evidentiary foundation and procedural safeguards required by law.

The case presents an opportunity for a higher court to address not only the specific injustices suffered by Charles but also broader systemic issues in family court proceedings:

1. The need for strict adherence to statutory requirements when family violence is alleged
2. The importance of evidentiary hearings before issuing orders with life-altering consequences
3. The proper application of the Rule 12 procedure for challenging attorney authority
4. The protection of due process rights for all parties in family law proceedings
5. The proper analysis of jurisdictional issues in related family cases
6. The paramount consideration of children's best interests in all custody determinations

Intervention by a higher court is not only justified but necessary to prevent a continuing miscarriage of justice and to affirm the principle that procedural safeguards are not mere formalities but essential protections for the rights of all parties in our legal system.

KEY LEGAL ISSUES IN CHARLES DUSTIN MYERS CASE

Texas Family Code Violations

1. **Section 6.405(b) Violation:** When family violence is alleged in a divorce suit, the court must hold a hearing within 14 days to determine whether to dissolve or

modify any temporary ex parte protective order. In Charles's case, the court failed to follow this mandatory procedure.

2. **False Allegations of Family Violence:** Morgan appears to have falsely claimed family violence to waive the 60-day waiting period for divorce and to secure Charles's removal from the family home.
3. **Improper Removal from Residence:** Charles was ordered to vacate his family home without proper evidence, witnesses, or findings, potentially violating his due process rights.

Procedural Irregularities

1. **Attorney Authority Issues:** Cooper L. Carter's filings were allegedly submitted by Roderick D. Marx, who was not a named party in the lawsuit. This raises questions about proper representation and may constitute unauthorized practice of law.
2. **Electronic Filing Requirements:** Texas requires attorneys to maintain control and responsibility over their electronic filings. The fact that Cooper's filings were submitted by someone else raises serious questions about proper representation.
3. **Lack of Response to Motions:** Cooper allegedly did not respond to Charles's motions or discovery requests, yet was able to secure orders against him.
4. **Rule 12 Challenge:** Charles challenged Cooper's authority pursuant to Rule 12, but this challenge was not properly addressed.

Jurisdiction Issues

1. **Dominant Jurisdiction Analysis:** When two courts have concurrent jurisdiction, the first court to acquire jurisdiction generally has dominant jurisdiction. However, exceptions exist if:
 2. The suit in the first court is not being actively prosecuted
 3. The suit was filed in bad faith or for the purpose of delay
4. **Federal Removal Strategy:** Charles removed the divorce case to federal court to place the burden of 237a on Cooper, knowing she likely couldn't satisfy the requirement to file the certified copy of the notice of remand with the clerk.
5. **Consolidation Without Consent:** An "Agreed" order of consolidation was rendered without Charles's signature, raising questions about its validity.

Due Process Concerns

1. **Denial of Hearings:** Charles was repeatedly denied the opportunity to present evidence or be heard on his motions.
2. **Ex Parte Communications:** Potential improper communications between opposing counsel and judges.
3. **Orders Without Evidence:** Court orders were issued without evidence being presented, witnesses called, or proper findings made.
4. **Lack of Statutory Authority:** Court actions taken without clear statutory authority.

Financial Misconduct

1. **Fraudulent Indigency Claim:** Morgan claimed financial indigency after transferring \$1,576 from the joint account.
2. **Misrepresentation of Assets:** Morgan falsely claimed both family vehicles as separate property.
3. **Third-Party Financial Interference:** Daniel Branthover's involvement in transferring marital funds.

Child Custody Concerns

1. **Best Interest of Children:** Court decisions appear to have been made without proper consideration of the children's best interests.
2. **Parental Alienation:** Allegations that Morgan has been alienating the children from Charles.
3. **Stable Environment Disruption:** Children were removed from their stable home environment without proper justification.

Ethical Concerns

1. **Attorney Misconduct:** Questions about the ethical conduct of attorneys involved in the case.
2. **False Statements to Court:** Allegations of false statements made in court filings.
3. **Abuse of Legal Process:** Using legal procedures for improper purposes.

Potential Remedies

1. **Writ of Mandamus:** Compelling the lower court to perform its duty correctly.
2. **Motion to Vacate Void Orders:** Challenging orders issued without proper authority or procedure.
3. **Rule 12 Motion:** Requiring opposing counsel to show authority to act.
4. **Emergency Relief:** Seeking immediate relief from improper court actions.
5. **Appeal:** Challenging erroneous court decisions through the appellate process.

LEGAL PRECEDENTS AND AUTHORITIES FOR CHARLES MYERS CASE

Texas Family Code Section 6.405 - Protective Order and Related Orders

Texas Family Code Section 6.405 establishes requirements for disclosure of protective orders in divorce proceedings:

1. **Disclosure Requirements:** The petition in a suit for dissolution of marriage must state whether there is in effect:
 2. A protective order under Title 4
 3. A protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure
 4. An order for emergency protection under Article 17.292, Code of Criminal Procedure
5. Or if an application for such an order is pending
6. **Documentation Requirements:** The petitioner must attach to the petition a copy of each order in which a party was the applicant or victim and the other party was the respondent. If a copy is not available at filing, the petition must state that a copy will be filed before any hearing.
7. **Relevance to Charles's Case:** Morgan appears to have falsely claimed an active protective order existed when filing for divorce, violating the truthfulness requirements of this statute.

False Allegations of Family Violence in Texas Divorce Cases

According to legal resources from The Fox Firm (Sarah Fox Law):

1. **Motivations for False Allegations:** Divorcing partners often make false allegations against spouses to:
 1. Obtain favorable child custody outcomes
 2. Gain advantage in marital property settlements
 3. Act as revenge to damage the other party's reputation
5. **Consequences of Family Violence Allegations:**
 6. Family violence is a serious crime in Texas with severe penalties
 7. Even without conviction, allegations damage social reputation
 8. Penalties can range from jail sentences up to one year and/or fines to prison sentences of 5-99 years and/or fines up to \$10,000
 9. Civil penalties can include protective orders and restitution payments
10. **Defense Strategies Against False Allegations:**
 11. Highlighting unreliable testimony and inconsistencies
 12. Self-defense claims where applicable
 13. Demonstrating actions were unintentional
 14. Seeking experienced legal counsel
15. **Relevance to Charles's Case:** Morgan appears to have made false allegations of family violence to gain advantage in the divorce proceedings, particularly regarding child custody and property division.

Texas Rules of Civil Procedure - Rule 12: Attorney to Show Authority

Rule 12 of the Texas Rules of Civil Procedure provides a mechanism to challenge an attorney's authority to represent a party:

1. **Challenge Procedure:** A party may file a sworn motion stating that they believe the attorney representing the opposing party is not authorized to do so.
2. **Burden of Proof:** Upon such motion, the burden shifts to the challenged attorney to prove their authority to act.
3. **Court Action:** If the challenged attorney fails to show sufficient authority, the court shall refuse to permit the attorney to appear in the cause.

4. **Relevance to Charles's Case:** Charles challenged Cooper L. Carter's authority pursuant to Rule 12, particularly questioning the propriety of having Roderick D. Marx file documents on her behalf.

Electronic Filing Requirements for Texas Attorneys

Based on Texas court rules and procedures:

1. **Personal Responsibility:** Attorneys must maintain control and responsibility over their electronic filings.
2. **Proper Identification:** Electronic filings must be made under the attorney's own credentials, not those of another person.
3. **Unauthorized Practice Concerns:** Having non-attorneys or non-parties prepare and file legal documents may constitute unauthorized practice of law.
4. **Relevance to Charles's Case:** Cooper L. Carter's filings were allegedly submitted by Roderick D. Marx, who was not a named party in the lawsuit, raising questions about proper representation.

Texas Family Code Section 6.405(b) - Hearing Requirements for Family Violence Allegations

When family violence is alleged in a divorce suit:

1. **Mandatory Hearing:** The court must hold a hearing within 14 days to determine whether to dissolve or modify any temporary ex parte protective order.
2. **Due Process:** This requirement ensures due process for the accused party.
3. **Procedural Violation:** Failure to follow this mandatory procedure constitutes a violation that can be challenged.
4. **Relevance to Charles's Case:** The court appears to have failed to follow this mandatory procedure after Morgan alleged family violence, instead ordering Charles to vacate his residence without proper hearings.

Dominant Jurisdiction Analysis in Texas

The legal doctrine of dominant jurisdiction in Texas determines which court has priority when two courts have concurrent jurisdiction:

1. **First-Filed Rule:** Generally, the first court to acquire jurisdiction has dominant

2. Exceptions:

3. If the suit in the first court is not being actively prosecuted
4. If the suit was filed in bad faith or for the purpose of delay
5. **Relevance to Charles's Case:** This doctrine is relevant to Charles's challenges regarding competing court jurisdictions, particularly when he opened a separate SAPCR and faced consolidation issues.

CONCLUSION AND PRAYER FOR RELIEF

The case of Charles Dustin Myers presents a troubling example of how procedural irregularities, false allegations, and questionable legal maneuvers can result in substantial injustice within the family court system. Over the course of more than 16 months, Charles has been subjected to a series of actions that have deprived him of his home, limited his access to his children, and undermined his ability to maintain his business—all without the evidentiary foundation and procedural safeguards required by law.

The record reveals a pattern of conduct by Morgan Myers, with the assistance of her stepfather Daniel Branthoover and attorney Cooper L. Carter, that appears designed to circumvent proper legal procedures and secure tactical advantages through false allegations and procedural maneuvering. From the false claims of family violence and financial indigency to the questionable electronic filing practices and improper consolidation of cases, the proceedings have been marked by deviations from proper legal procedure that have had profound consequences for Charles and his children.

Most troubling is the court's apparent willingness to issue life-altering orders without proper evidentiary hearings, to characterize orders as "agreed" when no such agreement existed, and to deny Charles the opportunity to present evidence contradicting Morgan's claims. These actions not only violate specific statutory requirements, such as Texas Family Code Section 6.405(b), but also undermine the fundamental principles of due process and fairness that are the cornerstone of our legal system.

Despite Charles's diligent efforts to seek relief through proper legal channels—filing appropriate motions, petitioning for writs of mandamus, and even attempting to invoke federal jurisdiction—he has been repeatedly denied meaningful review of his claims. This case thus raises important questions not only about the specific injustices suffered by Charles but also about the effectiveness of appellate review in family law cases, particularly for self-represented litigants.

In light of these considerations, we respectfully request that the higher court:

1. Review the procedural history of this case and address the violations of Texas Family Code Section 6.405(b) and other statutory requirements.
2. Examine the due process violations that have occurred throughout the proceedings, particularly the issuance of orders without proper evidentiary hearings.
3. Address the questions regarding attorney authority and electronic filing practices raised by Charles's Rule 12 motion.
4. Consider the jurisdictional issues and improper consolidation of cases that have prevented Charles from obtaining meaningful review of his claims.
5. Evaluate whether the best interests of the children have been properly considered in the court's decisions, particularly in light of Charles's role as an active, involved father.
6. Provide appropriate relief to correct the injustices that have occurred, including but not limited to:
 7. Vacating orders issued without proper evidentiary foundation
 8. Requiring proper hearings on the allegations of family violence
 9. Addressing the false statements made in court filings
10. Ensuring that Charles has meaningful access to his children and the ability to maintain his business

Intervention by a higher court is not only justified but necessary to prevent a continuing miscarriage of justice and to affirm the principle that procedural safeguards are not mere formalities but essential protections for the rights of all parties in our legal system. Charles Myers's case presents an opportunity to address not only his specific situation but also broader systemic issues that affect the integrity and fairness of family court proceedings for all litigants.

Respectfully submitted,

[Signature]

Date: April 26, 2025

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Envelope ID: 100191612

Filing Code Description: Motion (No Fee)

Filing Description: First Amended Motion to Recuse

Status as of 4/29/2025 12:30 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/28/2025 9:41:05 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/28/2025 9:41:05 PM	SENT

M.3798

M.3798

MR 10

M.3798

M.3798

322-744263-23

NO. 322-744263-23

FILED
TARRANT COUNTY
4/28/2025 4:38 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

NOTICE OF NON APPEARANCE AND
OBJECTION TO FINAL TRIAL SETTING

Respondent.

2025-04-28

TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Respondent, appearing specially and under continuing objection, files this **Notice of Protest, Objection to Final Trial Setting, and Non-Appearance Under Duress**, respectfully showing the Court as follows:

I. Procedural History of Deprivation

Since the inception of these proceedings, **each physical appearance** made by CHARLES MYERS before this Court has resulted in substantial and escalating deprivation of fundamental rights:

1. First Appearance:

CHARLES MYERS appeared voluntarily to show cause why a protective order should not be entered against him, yet was immediately deprived of **exclusive residence** in his home and **custody of his children** without a proper evidentiary hearing or findings of fact supporting such drastic relief. This occurred on January 16, 2024.

2. Second Appearance:

Despite efforts to present meritorious issues, proceedings were **delayed**, providing no meaningful relief, and prolonging injury to familial and property rights due to Petitioner, MORGAN MYERS, retaining counsel minutes before the scheduled reset for January 22, 2024.

Third Appearance:

CHARLES MYERS was **coerced into signing a purported "settlement agreement"** under duress by his own attorney, without genuine consent, and under threat of further deprivation, leading to his termination and subsequent challenge of the proceedings. This occurred on February 1, 2024.

Fourth Appearance:

CHARLES MYERS appeared to **challenge the fraudulent settlement**; however, despite the lack of any opposition on record, relief was **denied**, and CHARLES MYERS was **ordered to sign an agreement** to which he never lawfully consented. This occurred on March 14, 2024.

II. Present Circumstances Justifying Non-Appearance

At this time, multiple critical matters remain pending, unresolved, or have been unlawfully denied, including:

- i. A **Rule 12 challenge** to the authority of opposing counsel, leaving the question of proper representation unresolved;
- ii. **Emergency motions for relief** wrongfully denied without evidentiary hearing, findings, or adequate process;
- iii. **Procedural injuries and prejudice** inflicted upon the parties' minor child during the Court's delay and refusal to act, now culminating in physical injury to the child;
- iv. **Plea to the Jurisdiction** pending, which deprives the Court of authority to proceed to any final trial setting without proper adjudication;
- v. **Motion to Recuse**, properly filed pursuant to Rule 18a, which under Texas law mandates suspension of further substantive action pending its resolution.

Given the Court's documented pattern of **procedural violations, due process deprivations, and disregard for objections**, any further appearance at this stage by CHARLES MYERS would expose him to **additional irreparable harm** without meaningful protection.

III. Formal Objection and Protest

Accordingly, CHARLES MYERS respectfully **objects** to any setting of a final trial or other substantive action **until**:

- i. The pending **Motion to Recuse** is heard and ruled upon in accordance with **Rule 18a**;
- ii. The **Plea to the Jurisdiction** is adjudicated;
- iii. The **Rule 12 challenge** to opposing counsel's authority is resolved;

- iv. Full and fair consideration is given to pending emergency relief issues that directly impact the minor child's welfare.

CHARLES MYERS **does not waive** any objection to the Court's jurisdiction, impartiality, procedural regularity, or ability to proceed.

CHARLES MYERS **does not consent** to any final trial setting while these threshold matters remain unresolved.

IV. Preservation of Rights

This filing is made expressly to **preserve** all constitutional, statutory, and procedural rights, including but not limited to:

- Right to **due process** under the Fourteenth Amendment to the U.S. Constitution and Article I, Section 19 of the Texas Constitution;
 - Right to **equal protection of the laws**;
 - Right to a **fair and impartial tribunal**;
 - Right to **appeal and seek extraordinary relief** based on further due process violations arising from this Court's conduct.
-

PRAYER FOR RELIEF

WHEREFORE, CHARLES MYERS, respectfully requests that the Court:

1. **Take no action** to set final trial or advance the case substantively;

2. **Stay all proceedings** pending resolution of jurisdictional and recusal issues;
3. **Preserve the record** reflecting CHARLES MYERS' formal protest and non-appearance under duress.

Respectfully submitted,

/s/ Charles Myers
CHARLES MYERS
6641 Anne Court
Watauga, Texas 76148
817-546-3693
CHUCKDUSTIN12@GMAIL.COM

Pro Se

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, I certify that a true and accurate copy of the foregoing NOTICE OF NON APPEARANCE AND OBJECTION TO FINAL TRIAL SETTING has been duly served on all parties of record.

Respectfully,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS

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Envelope ID: 100183364

Filing Code Description: Notice

Filing Description: Notice of Non Appearance and Objection to Final Trial Setting

Status as of 4/29/2025 12:13 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/28/2025 4:38:31 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/28/2025 4:38:31 PM	SENT

M.3805

M.3805

MR 11

M.3805

M.3805

322-744263-23



FILED
TARRANT COUNTY
4/29/2025 3:21 PM
THOMAS A. WILDER
DISTRICT CLERK

LINDSEY BAKER
COURT COORDINATOR
817 / 884-1597

JEFFREY N. KAITCER
ASSOCIATE JUDGE
322ND JUDICIAL DISTRICT OF TEXAS
TARRANT COUNTY FAMILY LAW CENTER
200 E. WEATHERFORD STREET
FORT WORTH, TEXAS 76196
(817) 884-3030

LINDA VERA
COURT REPORTER
817 / 884-1428

April 29, 2025

RE: CAUSE NO. 322-744263-23
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], Minor Children

Dear Judge Evans:

I have enclosed an *Order of Referral on Motion to Recuse and First Amended Motion to Recuse* filed by Charles Dustin Myers in the above cause.

Pursuant to the rules, I will take no further action until the Motion to Recuse and First Amended Motion to Recuse is heard and ruled upon.

Thank you for your consideration in this matter.

Respectfully,

Jeffrey N. Kaitcer

CC:

Charles Dustin Myers
Email: Chuckdustin12@gmail.com

Cooper Carter, Attorney at Law
Email: Coopercarter@majadmin.com

Assistant Attorney General
Email: CSD-legal-914@oag.texas.gov

Lindsey K. Baker

From: Lindsey K. Baker
Sent: Tuesday, April 29, 2025 2:39 PM
To: Tracy Kemp
Subject: Myers 322-744263-23
Attachments: Correspondence-District.pdf; Order of Referral-District.pdf; Correspondence-Associate.pdf; Order of Referral-Associate.pdf

Ms. Kemp:

Attached is correspondence from Judge Munford and an Order of Referral on Motion to Recuse and First Amended Motion to Recuse.

Further attached is correspondence from Judge Kaitcer and an Order of Referral on Motion to Recuse and First Amended Motion to Recuse.

Thank you.

Lindsey Baker
322nd Court Coordinator
Tarrant County Family Law Center
200 E. Weatherford, 4th floor
Fort Worth, Texas 76196
Phone: (817) 884-1597

Lindsey K. Baker

From: Lindsey K. Baker
Sent: Tuesday, April 29, 2025 2:45 PM
To: FUDSTOP; Cooper Carter; CSD-Legal-914; 'CSD-LEGAL-914@TEXASATTORNEYGENERAL.GOV'
Subject: Myers 322-744263-23
Attachments: Correspondence-District.pdf; Order of Referral-District.pdf; Correspondence-Associate.pdf; Order of Referral-Associate.pdf

Attached is correspondence from Judge Munford to Judge Evans and an Order of Referral on Motion to Recuse and First Amended Motion to Recuse.

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Fort Worth, Texas 76196
Phone: (817) 884-1597

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Envelope ID: 100231239

Filing Code Description: No Fee Documents

Filing Description: JK LETTER

Status as of 4/29/2025 3:29 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/29/2025 3:21:53 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/29/2025 3:21:53 PM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	4/29/2025 3:21:53 PM	SENT

M.3810

M.3810

MR 12

M.3810

M.3810



M.3811

FILED
TARRANT COUNTY
4/29/2025 3:21 PM
THOMAS A. WILDER
DISTRICT CLERK

LINDSEY BAKER
COURT COORDINATOR
817 / 884-1597

JAMES B. MUNFORD
DISTRICT JUDGE
322ND JUDICIAL DISTRICT OF TEXAS
TARRANT COUNTY FAMILY LAW CENTER
200 E. WEATHERFORD STREET
FORT WORTH, TEXAS 76196
(817) 844-1429

LINDA VERA
COURT REPORTER
817 / 884-1428

April 29, 2025

Honorable David L. Evans
Presiding Judge of the 8th Administrative R.
Tom Vandergriff Civil Courts Building
100 N. Calhoun Street, 4th Floor
Fort Worth, Texas 76196

Tele. (817) 884-1558; Fax (817) 884-1560

RE: CAUSE NO. 322-744263-23

In the Matter of the Marriage of Morgan Michelle Myers and Charles Dustin Myers and In the Interest
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Thank you for your consideration in this matter.

Respectfully,

James B. Munford

cc:

Charles Dustin Myers
Email: Chuckdustin12@gmail.com

Cooper Carter, Attorney at Law
Email: Cooper.carter@majadmin.com

Assistant Attorney General
Email: CSD-legal-914@oag.texas.gov

Lindsey K. Baker

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Further attached is correspondence from Judge Kaitcer and an Order of Referral on Motion to Recuse and First Amended Motion to Recuse.

Thank you.

Lindsey Baker
322nd Court Coordinator
Tarrant County Family Law Center
200 E. Weatherford, 4th floor
Fort Worth, Texas 76196
Phone: (817) 884-1597

Lindsey K. Baker

From: Lindsey K. Baker
Sent: Tuesday, April 29, 2025 2:45 PM
To: FUDSTOP; Cooper Carter; CSD-Legal-914; 'CSD-LEGAL-914@TEXASATTORNEYGENERAL.GOV'
Subject: Myers 322-744263-23
Attachments: Correspondence-District.pdf; Order of Referral-District.pdf; Correspondence-Associate.pdf; Order of Referral-Associate.pdf

Attached is correspondence from Judge Munford to Judge Evans and an Order of Referral on Motion to Recuse and First Amended Motion to Recuse.

Further attached is correspondence from Judge Kaitcer to Judge Evans and an Order of Referral on Motion to Recuse and First Amended Motion to Recuse.

Thank you.

Lindsey Baker
322nd Court Coordinator
Tarrant County Family Law Center
200 E. Weatherford, 4th floor
Fort Worth, Texas 76196
Phone: (817) 884-1597

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Envelope ID: 100231234

Filing Code Description: No Fee Documents

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Status as of 4/29/2025 3:28 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/29/2025 3:21:51 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/29/2025 3:21:51 PM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	4/29/2025 3:21:51 PM	SENT

M.3815

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MR 13

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322-744263-23

CAUSE NUMBER: 322-744263-23

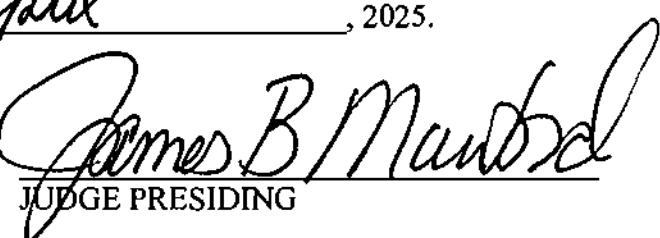
FILED
 TARRANT COUNTY
 4/29/2025 3:21 PM
 THOMAS A. WILDER
 DISTRICT CLERK

IN THE MATTER OF)	IN THE DISTRICT COURT
THE MARRIAGE OF)	
MORGAN MICHELLE MYERS)	
AND)	
CHARLES DUSTIN MYERS)	TARRANT COUNTY, TEXAS
AND IN THE INTEREST OF)	
M [REDACTED] M [REDACTED] AND)	
C [REDACTED] M [REDACTED])	
MINOR CHILDREN)	322ND JUDICIAL DISTRICT

ORDER OF REFERRAL ON MOTION TO RECUSE
AND
FIRST AMENDED MOTION TO RECUSE

On April 25, 2025, a Motion to Recuse filed by Charles Dustin Myers was delivered to the Presiding Judge of this Court in the above styled and numbered cause. On April 28, 2025, a First Amended Motion to Recuse filed by Charles Dustin Myers was delivered to the Presiding Judge of this Court in the above styled and numbered cause. The Presiding Judge against whom the Motion to Recuse and the First Amended Motion to Recuse was filed hereby declines to recuse himself on both motions and hereby refers this matter to the Presiding Judge of the Eight Administrative Judicial District, Honorable David L. Evans, to decide the Motions.

SIGNED this 29th day of April, 2025.



James B. Mansfield
 JUDGE PRESIDING

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/29/2025 3:21:51 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/29/2025 3:21:51 PM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	4/29/2025 3:21:51 PM	SENT

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MR 14

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322-744263-23

NO. 322-744263-23

FILED
 TARRANT COUNTY
 4/29/2025 6:07 PM
 THOMAS A. WILDER
 DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

OBJECTION – RECUSAL PROCEDURE

Respondent.

2025-04-29

**TO THE HONORABLE DAVID L. EVANS OF THE 8TH ADMINISTRATIVE
 REGION OF TEXAS:**

The undersigned, CHARLES DUSTIN MYERS, hereby OBJECTS to the handling of these recusal matters, and in support thereof, shows the following:

I. THE CORRECT RECUSAL PROCEDURE

The Texas Rules of Civil Procedure are clear. Tex. R. Civ. P. 18a lays out the proper procedure that shall be followed when a motion to recuse is filed. *Id.* (e) sets forth the *Duties of the Clerk*, which amount to delivering the motion or response *Id.* (e)(1), and the delivery of the order of recusal or referral. *Id.* (e)(2).

II. ISSUE

There are two significant procedural errors that must be immediately addressed.

First, Rule 18a of the Texas Rules of Civil Procedure does not authorize or delegate any responsibility for handling recusal matters to the court coordinator. Despite an explicit and timely objection to the coordinator's involvement outlined within the pending recusal motion itself, the coordinator continues to improperly manage and influence the referral process. This unauthorized participation represents a fundamental procedural violation that undermines the neutrality and integrity of the recusal proceedings.

Second, the involvement of Hon. Jeffrey Kaitcer in the current referral is entirely improper and unnecessary, as the current motion for recusal specifically and explicitly names only Hon. James Munford as the respondent judge. While the current motion does reference a prior joint recusal motion historically—where Hon. Kaitcer was previously named—that reference is strictly contextual and does not constitute a renewed or active request for his recusal at this juncture. The plain language and explicit identification in the current motion leave no reasonable ambiguity that the recusal sought at present involves only Judge Munford. Therefore, Judge Kaitcer's unilateral decision to decline recusal and issue a referral, despite no pending recusal against him, is procedurally incorrect and strongly suggests the motion itself was not reviewed substantively before action was taken.

These procedural missteps—the continued improper involvement of the court coordinator and the erroneous implication of a second judge—constitute clear violations of Rule 18a, compromise the impartiality required by judicial ethics, and further evidence that due diligence was not exercised in considering the motion as filed.

III. APPLICATION OF LAW

A trial court has no discretion in determining what the law is or applying the law to the facts even when the law is unsettled. *In re Prudential*, 148 S.W.3d at 135. Consequently, a clear failure by the trial court to analyze or apply the law correctly will constitute an abuse of discretion. *Walker v Packer*, 827 S.W.2d at 840 (Tex.1992). Here, the continuous disregard for the undersigned's pleadings, the Texas Constitution, the Texas Rules of Civil Procedure, and the Texas Family Code has resulted in cumulative and severe harm: a minor child has sustained preventable injury due solely to judicial inaction; the Petitioner continues to evade adjudication despite credible, unrefuted, and well-documented allegations of fraud; and opposing counsel—who has never substantively responded to any pleading nor demonstrated her authority to act pursuant to Rule 12—continues to receive judicial favor, undermining fundamental due process protections. This persistent tolerance for procedural irregularities denies the undersigned equal protection under law and creates a significant risk of ongoing and future delays, as every action undertaken by this unauthorized attorney remains vulnerable to being stricken or invalidated. Consequently, the judicial process has become one that incentivizes silence, penalizes diligence, and leaves vulnerable children exposed to avoidable and foreseeable harm. Moreover, this conduct demonstrates an unacceptable level of bias: a judge who was never implicated in the present recusal motion has inexplicably involved himself without justification, the court coordinator improperly continues to perform roles for which she has no lawful authority, and Texas law is repeatedly misapplied, consistently to the detriment of the undersigned and his children. This troubling pattern of behavior erodes public trust, compromises judicial integrity, and necessitates immediate corrective action.

IV. CONCLUSION

The issues necessitating this recusal are precisely the errors and procedural misconduct outlined herein. The Court has repeatedly issued perfunctory orders lacking any substantive legal explanation, mirroring the persistent silence and inaction of the opposing counsel. No valid legal justification has been offered to explain the sustained disregard for the Texas Rules of Civil Procedure, the Texas Family Code, and fundamental principles of due process. The undersigned respectfully reiterates that this is a Family Law proceeding—one that profoundly impacts children and families—not a venue for procedural indifference or selective enforcement. At a minimum, the Court must adhere strictly and impartially to the established rules and procedural requirements. Unless and until there is clear evidence that the pending Motion to Recuse has been properly and substantively reviewed and considered, the undersigned expressly objects to any scheduling of further hearings or proceedings in this matter. This objection is filed not out of disrespect, but rather out of necessity and urgency, to document and bring attention to continued procedural irregularities and judicial oversights that have compromised the fairness and integrity of this case. The undersigned seeks only the due process and equal protection to which all litigants are entitled, and which the record thus far has conspicuously failed to reflect.

Respectfully submitted,

/s/ *Charles Dustin Myers*
CHARLES DUSTIN MYERS
6641 Anne Court
Watauga, Texas 76148
817-546-3693
CHUCKDUSTIN12@GMAIL.COM

CERTIFICATE OF SERVICE

Relator certifies that on April 29, 2025, a true and correct copy of the foregoing OBJECTION - RECUSAL PROCEDURE was served on all parties and counsel of record as follows pursuant to Rule 21a of the Texas Rules of Civil Procedure:

PETITIONER

Morgan Michelle Myers
Real Party in Interest
MORGANMW02@GMAIL.COM

COUNSEL FOR PETITIONER

Cooper L. Carter
Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, TX 76116
coopercarter@majadmin.com

INTERVENOR

Holly Hayes
2001 Beach St
Fort Worth, TX 76103-2308
817-459-6878
CSD-Legal-914@oag.texas.gov

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Envelope ID: 100244626

Filing Code Description: Request

Filing Description: Objection to Procedural Handling of Recusal

Status as of 4/30/2025 10:03 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/29/2025 6:07:49 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/29/2025 6:07:49 PM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	4/29/2025 6:07:49 PM	SENT

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MR 15

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**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-25-00164-CV

IN RE CHARLES DUSTIN MYERS, RELATOR

Original Proceeding
233rd District Court of Tarrant County, Texas
Trial Court No. 233-765358-25

ORDER

We have considered relator's "Motion for En Banc Reconsideration."

It is the opinion of the court that the motion for en banc reconsideration should be and is hereby denied and that the opinion of April 11, 2025, stands unchanged.

We direct the clerk of this court to send a notice of this order to the relator, the attorneys of record, the trial court judge, and the trial court clerk.

Dated May 1, 2025.

Per Curiam

En Banc

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MR 16

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**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-25-00171-CV

IN RE CHARLES DUSTIN MYERS, RELATOR

Original Proceeding
233rd District Court of Tarrant County, Texas
Trial Court No. 233-765358-25

ORDER

We have considered relator's "Motion for En banc Reconsideration."

It is the opinion of the court that the motion for en banc reconsideration should be and is hereby denied and that the opinion of April 17, 2025, stands unchanged.

We direct the clerk of this court to send a notice of this order to the relator, the attorneys of record, the trial court judge, and the trial court clerk.

Dated May 1, 2025.

Per Curiam

En Banc

M.3829

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MR 17

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322-744263-23

NO. 322-744263-23

FILED
 TARRANT COUNTY
 5/6/2025 7:41 PM
 THOMAS A. WILDER
 DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Respondent.

2025-05-06

OBJECTION TO ORDER OF
 ASSIGNMENT DATED MAY 6, 2025

**TO THE HONORABLE DAVID L. EVANS OF THE 8TH ADMINISTRATIVE REGION
 OF TEXAS:**

COMES NOW, CHARLES DUSTIN MYERS, Respondent Pro Se, and files this Objection to the "ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE" signed on May 6, 2025 (hereinafter "Order of Assignment"), in the above-referenced cause, and in support thereof would respectfully show the Court the following:

I. BACKGROUND AND PROCEDURAL HISTORY

1. On April 28, 2025, Respondent Charles Dustin Myers filed his "FIRST AMENDED MOTION TO RECUSE" (hereinafter "Amended Recusal Motion"). This Amended Recusal Motion specifically sought the recusal of the Honorable James Munford, presiding judge of the

322nd District Court, based upon grounds detailed therein and pursuant to Texas Rule of Civil Procedure 18b.

2. Crucially, the Amended Recusal Motion filed on April 28, 2025, named *only* the Honorable James Munford as the judge whose recusal was sought. It did *not* seek the recusal of the Honorable Jeffrey Kaitcer.

3. Prior to the issuance of the Order of Assignment, on April 29, 2025, Respondent filed an "OBJECTION – RECUSAL PROCEDURE." *Exhibit A*. This objection explicitly brought to the attention of the Eighth Administrative Judicial Region that, among other procedural irregularities, the Honorable Jeffrey Kaitcer was being improperly implicated in recusal proceedings related to the Amended Recusal Motion, as said motion did not name him. The objection highlighted that any action by Judge Kaitcer concerning the Amended Recusal Motion (which did not seek his recusal) was procedurally incorrect and suggested that the motion itself had not been substantively reviewed before such erroneous actions were taken.

4. Subsequently, on May 6, 2025, the Presiding Judge of the Eighth Administrative Judicial Region issued the Order of Assignment. This Order assigns the Honorable John H. Cayce to preside in and rule on:

- i. "the Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed by Charles Dustin Myers on April 25, 2025" and
- ii. "the First Amended Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed on April 28, 2025." – *Exhibit B*

5. Despite Respondent's objections, the Court Coordinator for the 322nd District Court has continued to be involved in the administrative handling and communication regarding these recusal proceedings.

II. ARGUMENT AND AUTHORITIES

The Order of Assignment dated May 6, 2025, is procedurally defective and based on a fundamental mischaracterization of the pending Amended Recusal Motion, particularly as it pertains to the Honorable Jeffrey Kaitcer.

1. Mischaracterization of the Operative Pleading

The Order of Assignment incorrectly states that the "First Amended Motion to Recuse... filed on April 28, 2025" sought the recusal of both Judge Munford and Judge Kaitcer. This is factually incorrect. The Amended Recusal Motion filed by Respondent on that date sought only the recusal of Judge Munford.

2. Violation of TRCP 18a Requirements

i. Texas Rule of Civil Procedure 18a(a) governs the filing of a motion to recuse. It requires that such a motion "must be verified and must state with particularity the grounds why the judge should be recused or disqualified and the specific provision of Rule 18b or other law relied on."

ii. A motion to recuse is specific to the judge whose recusal is sought. If the Amended Recusal Motion did not name Judge Kaitcer, then there was no valid, pending motion seeking Judge Kaitcer's recusal before the Presiding Judge of the Administrative Judicial Region upon which an assignment could be based.

iii. Under TRCP 18a(f)(1), it is the "respondent judge" (the judge whose recusal is sought in a filed motion) who must either recuse or refer the motion. If Judge Kaitcer was not the respondent judge in the Amended Recusal Motion, he had no authority to take any action regarding *that specific motion*.

iv. Consequently, any referral or assignment based on the premise that the Amended Recusal Motion targeted Judge Kaitcer is without proper foundation under TRCP 18a.

3. Improper Involvement of Court Coordinator in Recusal Process

i. Texas Rule of Civil Procedure 18a meticulously details the procedural steps for recusal and disqualification of judges. TRCP 18a(e) specifically assigns duties related to the handling and delivery of recusal motions, responses, and orders of recusal or referral to the **"clerk of the court."

ii. TRCP 18a(e)(1) states: "When a motion or response is filed, the **clerk of the court** must immediately deliver a copy to the respondent judge and to the presiding judge of the administrative judicial region..."

iii. TRCP 18a(e)(2) states: "When a respondent judge signs and files an order of recusal or referral, the **clerk of the court** must immediately deliver a copy to the regional presiding judge."

iv. Significantly, TRCP Rule 18a makes *no mention* of the "court coordinator" and assigns no duties, responsibilities, or authority to a court coordinator in the recusal or disqualification process. The rule is explicit in its assignment of these administrative tasks to the "clerk of the court."

v. The legal principle of *expressio unius est exclusio alterius* (the express mention of one thing excludes all others) suggests that where a procedural rule details the roles of specific court personnel (the clerk) and omits others (the court coordinator), the omitted personnel do not have an official, mandated role in that specific process under that rule.

vi. The continued handling of any aspect of this recusal proceeding by the Court Coordinator, particularly after Respondent has objected to such involvement, is therefore outside the procedural framework established by TRCP 18a and is improper. Such actions usurp the

duties explicitly assigned to the clerk of the court and can compromise the neutrality and integrity of the recusal process.

4. Prior Objection Put Region on Notice

The "OBJECTION – RECUSAL PROCEDURE" filed by Respondent on April 29, 2025, explicitly notified the Administrative Region of the error regarding Judge Kaitcer's involvement *before* the Order of Assignment was issued. The subsequent issuance of the Order of Assignment, which perpetuates this error by incorrectly including Judge Kaitcer as a subject of the Amended Recusal Motion, demonstrates that the prior objection and the contents of the Amended Recusal Motion itself may not have been fully considered. This failure to address a clearly articulated procedural defect undermines the integrity and due process of the recusal procedure outlined in TRCP 18a.

5. Prejudice to Respondent

Proceeding based on the current Order of Assignment would require Respondent to address recusal issues concerning Judge Kaitcer that were not raised in the operative Amended Recusal Motion, thereby misdirecting judicial resources and prejudicing Respondent by forcing litigation on a non-existent claim within that specific pleading.

III. RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Respondent Charles Dustin Myers respectfully requests that the Honorable David L. Evans, Presiding Judge of the Eighth Administrative Judicial Region:

1. VACATE or AMEND the Order of Assignment dated May 6, 2025, to correctly reflect that the "First Amended Motion to Recuse" filed on April 28, 2025, seeks only the recusal of the Honorable James Munford;

2. CLARIFY that the assignment of the Honorable John H. Cayce is solely to hear and determine the First Amended Motion to Recuse as it pertains to the Honorable James Munford;
3. ORDER that all administrative and procedural handling of this recusal matter be conducted strictly in accordance with TRCP 18a, specifically by the clerk of the court, and that the Court Coordinator for the 322nd District Court cease any further involvement in the processing or communication related to this recusal proceeding; and
4. For such other and further relief as Respondent may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

CERTIFICATE OF SERVICE

Respondent certifies that on 05/07/2025 a true and accurate copy was served on all parties of record pursuant to Rule 21a of the Texas Rules of Civil Procedure.

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

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Envelope ID: 100980126

Filing Code Description: Record - Original Proceeding

Filing Description: Mandamus Record

Status as of 5/19/2025 11:58 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper Carter		COOPERCARTER@majadmin.com	5/19/2025 9:46:32 AM	SENT
Holly Hayes		csd-legal-914@texasattorneygeneral.gov	5/19/2025 9:46:32 AM	SENT
Honorable David LEvans		thkemp@tarrantcounty.com	5/19/2025 9:46:32 AM	SENT
Morgan MichelleMyers		morganmw02@gmail.com	5/19/2025 9:46:32 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	5/19/2025 9:46:32 AM	SENT