

NO. 322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

**IN THE MATTER OF THE
MARRIAGE OF**

**MORGAN MICHELLE MYERS
AND CHARLES DUSTIN MYERS**

**AND IN THE INTEREST OF MARA
MYERS AND CAROLINE MYERS,
CHILDREN**

Respondent's Motion for Temporary
Orders

*EXPEDITED RELIEF REQUESTED BY
OCTOBER 1ST, 2024*

09/26/2024

FOREWORD

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

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

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

¹ Click to view: EXHIBIT A - BG Report for case consolidation

¹ Click to view: EXHIBIT B - Proposed Parenting Plan

MOTION FOR TEMPORARY ORDERS

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

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

Temporary Orders Before Final Order

Respondent respectfully requests the court enter temporary orders:

A . Prohibiting Petitioner, MORGAN MICHELLE MYERS, from removing the children, MARA EVONNE MYERS and CAROLINE ROSE MYERS, beyond **6641 Anne Court, Watauga, TX 76148** while the case is pending.

B . Prohibiting Petitioner, MORGAN MICHELLE MYERS, or any third party acting on her behalf or with knowledge of this case, **from disturbing the peace and well-being of the minor children**, MARA EVONNE MYERS and CAROLINE ROSE MYERS **and Respondent**, CHARLES DUSTIN MYERS, during the pendency of this case.

2. Tex Fam. Code §§ 6.501; 6.503

Temporary Restraining Order

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

C. Respondent, CHARLES DUSTIN MYERS, asks the court to **grant**
the following temporary restraining order against the Petitioner,
MORGAN MICHELLE MYERS for the preservation of the property at 6641
Anne Court, Watauga, TX 76148 and for the protection of the parties,
prohibiting Petitioner, MORGAN MICHELLE MYERS, from:

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

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

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

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

- (v) threatening the other party or a child of either party with imminent bodily injury;
- (vi) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage;
- (vii) intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;
- (viii) intentionally misrepresenting or refusing to disclose to the other party or to the court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information;
- (xi) intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;
- (x) intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically

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

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

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

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

3. Tex Fam. Code §§ 6.503

AFFIDAVIT, VERIFIED PLEADING, AND BOND NOT REQUIRED

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

4. Extraordinary relief

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

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

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

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

CONCLUSION

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

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

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

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

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

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

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

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

Father has overwhelming evidence to support all claims herein, already served to Petitioner, and without response, and already on the record. Respondent prays that this Court will consider the totality of the case, and rule in his favor.

PRAYER FOR EXPEDITED RELIEF

Respondent requests the following expedited relief:

1. Vacate the current orders, which were entered in violation of the Respondent's right to due process and a fair hearing. These orders were rendered as "agreed" without the Respondent's consent and are unsupported by any motion that was properly served on him.
2. Grant the Respondent's motion for temporary orders without notice or hearing to the Petitioner, restoring the status quo for the children and enabling the Respondent to meet his financial obligations related to the Children and allow healing to begin.
3. Provide a provision allowing the Respondent to return to the residence at 6641 Anne Court, Watauga, TX 76148 where he was wrongfully removed including the option for Petitioner to reside there as well if she so chooses.
4. Strike all pleadings from the Respondent other than the Rule 12 motion to show authority and the summary judgement motion in the interest of judicial economy.
5. Grant any further relief that this Court finds equitable, just, and appropriate so that we may finally get this case headed in the right direction and in alignment with the Children's best interest.

Respectfully submitted,

Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 Anne Court
Watauga, TX 76148
Chuckdustin12@gmail.com
817-507-6562
PRO-SE

EXHIBIT A -
BACKGROUND REPORT FOR CASE
CONSOLIDATION
01/03/24

Background Report for Case Consolidation

Case Details:

Divorce Case (Cause No. 322-744263-23) in the 322nd District Court of Tarrant County, filed on December 18, 2023.

Protective Order Case (Cause No. 322-744538-23) in the 322nd District Court of Tarrant County.

Reasons for Consolidation:

Interconnected Issues:

The divorce case and the protective order case involve overlapping issues concerning family violence allegations, which are central to the divorce proceedings and directly affect custody and visitation rights. The protective order case includes allegations of family violence, which are also a pivotal point in the divorce case in determining the waiver of the standard waiting period for the divorce.

Consistency in Rulings:

Consolidating the divorce and protective order cases would ensure consistency in the court's findings, particularly regarding any allegations of family violence and their impact on the dissolution of marriage, custody, and visitation rights.

Judicial Economy:

Hearing both cases together would promote judicial economy by avoiding duplication of legal proceedings, as both cases are likely to involve similar witnesses, evidence, and legal arguments.

Claims of False Statements:

There have been claims of false statements and perjury related to the protective order, which could have significant implications for the divorce case. For instance, the claim that the plaintiff intentionally lied about being unable to pay court fees and made false allegations of family violence to gain an advantage in the divorce proceedings suggests that a single judge should hear both matters for a clear understanding of the facts.

Evidence of Misrepresentation and False Statements:

Evidence provided suggests that there have been misrepresentations to the court, including the transfer of funds from the joint account and the plaintiff's interaction with third parties, which could affect both the protective order and the divorce outcome. The protective order – which was based on claims of family violence – are entirely baseless as I have no record of family violence, and no evidence from the Plaintiff has been provided to substantiate these claims.

Landlord-Tenant Relationship:

The eviction case, although not directly related to family law matters, stems from claims and actions that are deeply intertwined with the divorce and protective order cases, suggesting that the alleged family violence and the actions of the plaintiff have been used to justify an eviction that coincides with the timing of the divorce and protective order filings.

Conclusion:

Given the overlapping factual and legal issues in the divorce and protective order cases, consolidation would serve the interests of justice and efficiency. It would ensure that the court has a comprehensive understanding of the intertwined nature of the family's circumstances, which is vital for fair and equitable resolution of these matters. While the eviction case may not be directly consolidated due to jurisdictional differences, it should be considered in context with the other cases to provide a complete picture of the ongoing disputes and to keep the best interests of our children intact.

Respectfully submitted,

Charles Myers

Chuckdustin12@gmail.com

817-507-6562

X 

On this day of 01-03-2024



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

EXHIBIT B -
PROPOSED PARENTING PLAN
01/07/24

IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS

322ND DISTRICT FAMILY COURT

MORGAN MICHELLE MYERS, §

Plaintiff, §

§

vs. § Case No. 322-744538-23

§

CHARLES DUSTIN MYERS, §

Defendant. §

EXHIBIT A: TEMPORARY VISITATION ADJUSTMENT PROPOSAL

Respondent: Charles Dustin Myers

Understanding the intricate nature of our family's current situation and the legal complexities involved, I, Charles Dustin Myers, propose a thoughtful adjustment to the visitation schedule that aligns with our cohabiting status and the abrupt changes brought about by the divorce announcement.

1. Co-habitation Acknowledgement:

It is acknowledged that both parents currently cohabit, which complicates traditional custody arrangements. Therefore, the immediate priority is to facilitate a transition where both parties can establish their respective independent living and working arrangements without disrupting the children's lives.

2. Transition Period:

Morgan's Employment: Provide Morgan with the necessary support and time to secure stable employment, which is vital for her to contribute to the children's needs and establish her own residence.

Stable Housing for Charles: As I seek stable housing to maintain my significant role in our daughters' lives, flexibility in visitation is essential to ensure I continue to fulfill my parental duties.



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

3. Work and Research Commitments:

The concurrent legal proceedings, particularly those based on unverified claims, demand a substantial amount of my time for research and preparation to protect the children's well-being.

My ability to work has been affected by the proceedings, necessitating an adjustment in my day-to-day routine to accommodate these new responsibilities.

4. Interim Custody Logic:

Continuity for Children: While we navigate these proceedings, it is critical to maintain stability and continuity for our children. Any temporary custody arrangements should reflect the least disruptive path for them.

Counseling and Mediation: I strongly advocate for counseling or mediation to reconcile and navigate the divorce process, emphasizing the children's best interests rather than abrupt and contentious changes.

5. Court's Facilitation:

The court's facilitation in endorsing a temporary and flexible visitation framework is crucial. This framework must account for the current living situation and the significant emotional and logistical upheaval that the divorce proceedings have caused.

This proposal is made in the spirit of cooperation, with a focus on minimizing the impact of our marital dissolution on our children. It is with a sincere hope that we can transition into a stable co-parenting arrangement that keeps our children's welfare as the priority.

Respectfully submitted,

X CDM 01-01-2024
Charles Dustin Myers

6641 Anne Court

Watauga, Texas 76148

817-507-6562

Chuckdustin12@gmail.com



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

Certificate of Service

I hereby certify that a true and correct copy of the foregoing document, **EXHIBIT A: TEMPORARY VISITATION ADJUSTMENT PROPOSAL**, has been furnished to the following on 2024-01-07:

To Plaintiff:

Morgan Michelle Myers

Email: morganmw02@gmail.com

Method of Service:

Via electronic mail to morganmw02@gmail.com as per the agreement between parties for electronic communication.

Executed on this sixth day of January, 2024.

x CDM

Charles Dustin Myers

6641 Anne Court

Watauga, Texas 76148

817-507-6562

Chuckdustin12@gmail.com



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

CERTIFICATE OF CONFERENCE

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

Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 Anne Court
Watauga, TX 76148
Chuckdustin12@gmail.com
817-507-6562
PRO-SE

CERTIFICATE OF SERVICE

Respondent, CHARLES DUSTIN MYERS hereby certify that I did not serve a copy of the **Motion for Temporary Orders** on the opposing party or counsel prior to the hearing because I am invoking **Texas Family Code § 105.001(b)**, which allows for the issuance of temporary restraining orders and injunctions without the necessity of notice or hearing for the following relief:

1. Temporary support of the child under **Subsection (2)**;
2. Restraining a party from disturbing the peace of the child or another party under **Subsection (3)**.

Pursuant to **Texas Family Code § 105.001(b)**, the motion did not require prior notice, nor did it require a verified pleading or affidavit showing immediate or irreparable harm before notice could be served and a hearing held.

Accordingly, no service was made prior to the issuance of the order but will be served in accordance with the Tex. R. Civ. P. § 21(b) prior to the scheduled hearing.