

NO. 322-744263-23
IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

AND IN THE INTEREST OF
M.E.M and C.R.M., two minor children

2025-03-14

NOTICE OF UN-OPPOSED MOTION
TO DISMISS FOR WANT OF
PROSECUTION, PROPOSED ORDER,
AND REQUEST FOR DOCKET
SHEET

TO THE HONORABLE 322ND DISTRICT COURT OF TARRANT COUNTY:

Respondent, CHARLES DUSTIN MYERS, respectfully submits this notice of unopposed motion to dismiss for want of prosecution and concurrently filed **PROPOSED ORDER** and formally requests a certified copy of the docket sheet at the court's earliest convenience. Respondent further requests that the Court take judicial notice of the lack of opposition and expedite ruling on this matter, and in support thereof, shows the following:

I. INTRODUCTION

1. On January 24, 2025, Respondent, CHARLES DUSTIN MYERS, filed a Motion to Dismiss, setting forth that Petitioner, by way of her attorney, COOPER L. CARTER, had abandoned the case in all but name.

2. Now, on March 14, 2025, the record remains as still as a pond at dawn—untouched, undisturbed, and left to gather dust by the opposing side, with not so much as a word filed in response.

3. Pursuant to Rule 165a of the Texas Rules of Civil Procedure, any case not disposed of within the time standards promulgated by the Supreme Court *may* be put on the dismissal docket. This gives the court under the present circumstances the discretion to act.

II. COUNSEL’S INABILITY TO FILE AND IMPROPER EMAIL REGISTRATION

4. Beyond mere inaction, Petitioner faces a more fundamental obstacle—she lacks the ability to electronically file anything at all. Her registered e-filing credentials remain tied to an email address belonging to her prior employer, an entity with no involvement in these proceedings.

5. As a result, Counsel’s ability to prosecute this case is not only absent by choice but also by circumstance. Without proper access to the court’s electronic filing system, she cannot submit pleadings, motions, or responses in accordance with Texas filing requirements – as evidence by her participation in the case thus far. *See Exhibit 1*

6. This procedural defect is not some minor inconvenience—it renders Petitioner unable to engage in the litigation she initiated. The court, recognizing both her failure to prosecute and her procedural incapacity, has every reason to dismiss this case under Rule 165a.

III. RULE 12 MOTION STILL UNADDRESSED

7. On September 20th, 2024, Respondent, CHARLES DUSTIN MYERS, moved for Rule 12 against COOPER L. CARTER challenging her authority. To date, no response has been filed, no authority has been proven, and this gives the court one more reason to either dismiss this case outright, grant summary judgement in favor of the Respondent, or disqualify Ms. Carter for her inability to properly represent her client.

IV. PROPOSED ORDER

8. Filed alongside this notice is a proposed order, prepared for the court's immediate consideration and submission to the judge upon receipt by the clerk.

9. The court holds in its hands multiple clear and just paths to resolution—dismissal for want of prosecution, summary judgment in Respondent's favor, or disqualification of Petitioner's counsel. Yet, despite the passage of time and the weight of unaddressed filings, no action has been taken. The absence of opposition, the procedural failures of Petitioner, and the unchallenged Rule 12 motion leave no reasonable basis for further delay.

V. REQUEST FOR DOCKET SHEET

10. Respondent, CHARLES DUSTIN MYERS, has emailed the district clerk requesting a docket sheet, but as is the case with everything else in this matter, no response or acknowledgement has been received considering these requests.

11. Respondent hereby requests a copy of the docket sheet for cause number 322-744263-23 at the court's earliest convenience.

VI. CONCLUSION

12. Justice is not served by silence, nor is due process upheld through inaction. The record stands as a testament to delay, neglect, and procedural failure—failures not of

Respondent, but of Petitioner, her counsel, and the system meant to ensure fair and timely resolution.

13. The law provides remedies for such disregard. Rule 165a permits dismissal when a case stagnates beyond reason. Rule 12 demands proof of counsel's authority, and when none is given, disqualification is required. Petitioner has failed to prosecute, failed to respond, and failed to even maintain the ability to file, leaving this case as little more than a ghost in the docket.

14. The time for waiting has long passed. The court has before it everything needed to act—an unopposed Motion to Dismiss, an unanswered Rule 12 challenge, and a record devoid of meaningful participation from the Petitioner. Respondent has upheld his duty before this court at every turn; Petitioner has not.

15. Therefore, Respondent respectfully requests that the court **dismiss this case for want of prosecution, grant summary judgment in Respondent's favor, or take any other appropriate action to resolve this matter without further delay.**

Respectfully Submitted,

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

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this NOTICE OF UN-OPPOSED MOTION TO DISMISS FOR WANT OF PROSECUTION, PROPOSED ORDER, AND REQUEST FOR DOCKET SHEET has been filed with the electronic filing manager and served on the parties of record on this 14th day of March 2025, including:

COOPER L. CARTER, counsel for petitioner, at the email address

COOPERCARTER@MAJADMIN.COM

MORGAN MICHELLE MYERS, petitioner, at the email address

MORGANMW02@GMAIL.COM

HOLLY HAYES, intervenor, at the email address

csd-legal-914@oag.texas.gov

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

6641 Anne Court, Watauga, Texas 76148

817-546-3693

PRO SE

EXHIBIT 1
PROPOSED
ORDER FOR
UNOPPOSED
MOTION TO
DISMISS



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COOPER CARTER

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