

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,

OBJECTION TO ORDER OF
ASSIGNMENT DATED MAY 6, 2025

Respondent.

2025-05-06

**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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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,

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


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
cooper.carter@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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THE STATE OF TEXAS
8th ADMINISTRATIVE JUDICIAL REGION
ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

Pursuant to Rule 18a, Texas Rules of Civil Procedure and Section 74.056, Texas Government Code, the undersigned Presiding Judge assigns the Honorable John H. Cayce, Senior Chief Justice, Second Court of Appeals, to the

322ND DISTRICT COURT, TARRANT COUNTY, TEXAS.

The judge is assigned to preside in the Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed by Charles Dustin Myers on April 25, 2025 and the First Amended Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed on April 28, 2025 in Cause Number 322-744263-23, styled 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, to rule on all pending motions, supplemental, amended and or subsequent motions to recuse and/or disqualify Judge Munford and Judge Kaitcer in the above-referenced matter. This assignment is effective immediately and will continue as necessary to rule on this and any pending, supplemental, amended or subsequent motions to recuse and/or disqualify Judge Munford and Judge Kaitcer filed by Charles Dustin Myers.

IT IS ORDERED that the clerk of the court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party to a case that is to be heard in whole or in part by the assigned judge.

IT IS FURTHER ORDERED that the clerk, upon receipt hereof, shall post a copy of this order in a public area of the Clerk's office or courthouse so that attorneys and parties may be advised of this assignment.

SIGNED this 6th day of May, 2025.



DAVID L. EVANS, PRESIDING JUDGE
EIGHTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

cc: Honorable John H. Cayce
Honorable James Munford
District Clerk, Tarrant County
File