

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 children.

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**FIRST AMENDED
MOTION TO RECUSE
THE REGIONAL PRESIDING
JUDGE**

TO THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT OF TEXAS:

COMES NOW, Respondent, CHARLES DUSTIN MYERS, who respectfully submits this First Amended Motion to Recuse the Regional Presiding Judge, David L. Evans, and in support thereof, shows the Court the following:

Since December of 2023, Respondent has pled time and time again regarding a fraudulent scheme to divest him of his business and property that began with Morgan Michelle Myers and Daniel Kenneth Branthoover, involving interstate travel and communications.

Each time the Respondent has utilized a legal pathway, he has been met with unjustifiable conduct that has, by its' very nature, willfully expanded the scope of the initial Myers-Branthoover enterprise into what it is today - a collection of officials, attorneys, and court staff members that who – when presented with unrefuted facts, and were made aware of the fraudulent scheme – chose to become entangled with the enterprise's affairs.

It is of upmost importance to our judicial system that the following issues be adjudicated, and a fair and impartial judge preside over this matter who will not tolerate such behavior.

I. SCOPE

The factual allegations raised herein are not conclusory and are supported by the record directly. Furthermore, given that Respondent has filed six mandamus petitions naming Honorables James Munford, Jeffrey Kaitcer, Kenneth Newell, Kate Stone, David Evans, and John Cayce as respondents, the record exists within the public domain and can be found here:

<https://search.txcourts.gov/SearchMedia.aspx?MediaVersionID=8e2d45b4-fb4f-40a0-93bc-ed9ed5f3cebd&coa=cossup&DT=RECORD&MediaID=804ac8d3-9b5f-40b0-bc41-bbc08c814365>

Those who have been made aware of the fraudulent scheme but have inadvertently furthered its' affairs amount to two district judges, two associate judges, two visiting retired judges, the regional presiding judge, two court coordinators, one deputy clerk, and a licensed attorney, forming an associate-in-fact enterprise for purposes of RICO, as explained below.

II. GROUNDS FOR RECUSAL

The Regional Presiding Judge has permitted and recklessly tolerated an ongoing RICO Enterprise that continues to expand within the Texas Judiciary due to the collective and willful neglect by the enjoined individuals to uphold their mandatory duties. By neglecting the responsibilities of his position of power, David L. Evans has inadvertently aided in the furtherance of the RICO enterprise's primary objective: to secure a fraudulent final decree of divorce and escape accountability.

As the record establishes, the Respondent has exhausted every appellate and administrative remedy in an attempt to seek redress. Unopposed relief continues to be denied, and more predicate acts in furtherance of the enterprise's affairs continue to occur.

For the forthcoming reasons, David L. Evans must recuse from this matter:

II. GROUNDS FOR RECUSAL

A. Disregard for Recusal Procedure

1. Texas law mandates strict adherence to procedural safeguards in the recusal process to ensure both actual and apparent judicial impartiality. When a court coordinator—who is not a neutral party and serves at the pleasure of the judge subject to recusal—handles the administrative delivery of a recusal motion, this contravenes the explicit requirements of Rule 18a(e) and creates an appearance of impropriety.

2. David L. Evans has allowed the coordinator Lindsey Baker – not the clerk – to handle the duties the legislature explicitly designates to court clerks. Rule 18a(e)(2) plainly states that “...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.”

3. Furthermore, as Rule 18(a)(f)(3) also plainly states, “...if the respondent judge fails to comply with a duty imposed by this rule, the movant may notify the regional presiding judge.”

4. Here, the Regional Presiding Judge was notified of and provided with a modified version of the recusal motion rather than the original, and was notified of these discrepancies, but chose to ignore them.

B. Recusal Tampering

5. The record facially establishes that on October 7, 2024, the Respondent filed a Joint Motion to Recuse Honorable Judges James Munford and Jeffrey Kaitcer from the matter and provided supporting evidence which is self-authenticating under the Texas Rules of Evidence.

6. The following day, on October 8 at 4:42 P.M., correspondence was received from court coordinator Lindsey Baker regarding the order of referral. [REC. 1277](#)

7. Upon inspection, it was discovered that the affidavit and exhibits were both missing from the motion which was sent to the Regional Judge, and this was quickly pointed out to the coordinator.

8. She confirms that the exhibits were indeed filed electronically but as the clerk's office prefers – they were filed as one document, just as the Tarrant County District Clerk's Filing FAQ states:

Q: "What process should be used for eFiling exhibits?"

A: "Same process for exhibit as initial filings- Exhibits should be merged into one document with the lead document." [REC. 1262](#).

C. Repeated Tampering

9. The record facially shows that on October 10, 2024, Judge James Munford filed an "Amended Order of Referral" and once again the correspondence to David L Evans was handled by the coordinator.

10. This time, the coordinator claimed that due to the "size of the motion" that it could be justified to split the motion into three separate files, this time with the exhibits and affidavit included, defeating the entire purpose of removing the exhibits and affidavit two days earlier. [REC. 1282](#)

D. Objecting

11. All of these issues were raised in both notice and an objection filed timely after these issues were discovered. [REC. 1245-1252](#) It included all email exchanges with the coordinator, the modifications of the original motion, with the objection specifically stating that "the explanation changed to the document being too large. This inconsistency raises concerns about transparency and procedural fairness." No action was taken by David Evans.

E. Subsequent Recusals

12. After waiting four months for the judges to be reinstated as per David Evans' order, Respondent had to reach out to the court coordinator to remind her to reinstate the trial judges. [REC. 1306](#).

13. The Respondent, in the face of a serious dental emergency for his youngest child, opened a separate SAPCR suit, arguing for dominant jurisdiction, ([REC. 2088](#)) only to be denied access to the courts by Judges Kate Stone and Kenneth Newell, which prevented an emergency TRO needed for the safety and welfare of the Respondent's children. This negligence lead to a direct injury to the youngest child in this case and three concurrent mandamus petitions followed, none of which received any response from the implicated Judges. See [25-0361](#), [25-0367](#), [25-0378](#).

14. In the midst of these efforts, James Munford continued to ignore the issues and after the SAPCR was improperly consolidated by Judge Newell, Judge Munford chose to move the case towards final deposition, which was promptly objected to and ignored the same. [REC. 2480](#).

15. These actions lead to the second recusal motion, facially naming James Munford as the respondent judge. [REC. 2488](#).

16. This time, David Evans addressed two major issues raised in an objection by the Respondent:

- i. The continued involvement of Lindsey Baker, the court coordinator;
- ii. The erroneous order of referral sent by Judge Kaitcer; [REC. 2620](#)

17. In his order, he argued that
“The court coordinators and clerks work together to assist the trial judges and the administrative judges. Only the judges, not the litigants, have the authority to direct the activities of the court coordinators and clerks. Mr. Myers' objections regarding the involvement are overruled” [REC. 3507](#).

18. This argument fails – because the rules of procedure does not designate any role to the Court Coordinator, and based on prior conduct – her involvement has facially created ambiguity in a process designed to promote transparency and fairness. By refusing to comply with the Rule 18a of the Texas Rules of Civil Procedure in multiple recusal proceedings – there is no question regarding his impartiality – it has been compromised by, what the Respondent believes to be, political reasons.

19. Even when raising these issues to the highest Court in the State on direct appeal, leading to cause numbers [25-0426](#) and [25-0458](#), which related to compliance with Rule 18a and the entertainment and subsequent denial of a motion which was never filed, resulting in five concurrent mandamus petitions before the Texas Supreme Court.

20. All that was received in response to these efforts was “Denied, per curiam”. Respondent understands that the Court of appeals has the discretion to issue such explanations, however, given the scope of these issues, they cannot be addressed at final disposition, and based on everything above, there no reasonable possibility that one would think that there could be a fair and impartial trial given these circumstances. This will only lead to further appeals and more wasted judicial resources when these issues could just be dealt with at present.

21. The regional judge’s repeated failure to follow mandatory recusal procedures—by denying hearings on recusal motions, involving non-neutral staff, and failing to provide meaningful appellate remedies—constitutes a pattern of procedural irregularities that violates both statutory requirements and the fundamental due process right to a fair and impartial tribunal. Texas law is clear that recusal is required whenever a judge’s conduct creates reasonable doubt as to impartiality, and the deprivation of a meaningful appellate remedy further supports the necessity of recusal to protect the substantive rights of the parties and restore confidence in

the judicial process. The authorities provided leave no doubt that adherence to recusal procedures is essential to the integrity of the Texas judicial system.

III. CONCLUSION AND PRAYER

Respondent has suffered significant damages, which continue to accrue, and unexplained and unethical behavior continues to run afoul within this administrative region. He has provided the Court and several judicial officers with multiple opportunities in tandem with the information needed to address these pressing issues, but rather than address them, they continue to compound these issues for unknown reasons.

Therefore, for all reasons stated herein, Respondent respectfully pray that this Honorable Court:

1. Grant this motion to recuse;
2. Effectuate a stay of these proceedings immediately to preserve the integrity of the Texas judiciary;
3. Provide interim relief to the Respondent pursuant to Rule 18a(g)(4) that restores his property interests;
4. Require the Petitioner and her counsel, for the first time in this matter, be required to provide a written response;
5. Provide any further relief the Court deems just and right under these circumstances.

Respectfully,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

**AFFIDAVIT OF CHARLES DUSTIN MYERS
INTRODUCTION AND VERIFICATION**

I, CHARLES DUSTIN MYERS, being of sound mind and over the age of eighteen (18) years, hereby swear and affirm under penalty of perjury pursuant to Texas Civil Practice and Remedies Code § 132.001 that I am personally familiar with the facts stated herein, that I have personal knowledge of the matters stated in this affidavit, that the statements made herein are true and correct, and that I am competent to make this affidavit.

FACTUAL BACKGROUND

1. I am the Respondent in cause number 322-744263-23, styled "Morgan Michelle Myers v. Charles Dustin Myers," currently pending in the 322nd District Court of Tarrant County, Texas.
2. Since December of 2023, I have repeatedly attempted to address a fraudulent scheme to divest me of my business and property interests through proper legal channels. Each time I have utilized legitimate legal pathways, I have been met with procedural irregularities and violations that have prevented fair adjudication of my claims.
3. The Regional Presiding Judge, Honorable David L. Evans, has been directly involved in handling multiple recusal proceedings related to my case, and has consistently failed to follow the mandatory procedures required by Texas law, as detailed below.
4. I have exhausted all available appellate and administrative remedies in my attempts to seek redress. Despite filing multiple mandamus petitions with the Texas Supreme Court (cause numbers 25-0361, 25-0367, 25-0378, 25-0426, and 25-0458), I have received only "Denied, per curiam" responses without substantive consideration of the serious procedural violations occurring in my case.

PROCEDURAL VIOLATIONS

5. On October 7, 2024, I filed a Joint Motion to Recuse Honorable Judges James Munford and Jeffrey Kaitcer, including supporting evidence and a properly executed affidavit as required by Texas Rule of Civil Procedure 18a.
6. On October 8, 2024, at 4:42 P.M., I received correspondence from court coordinator Lindsey Baker regarding the order of referral. Upon inspection, I discovered that both my affidavit and supporting exhibits had been removed from the motion that was sent to Regional Judge Evans.
7. I immediately notified the court coordinator that the exhibits and affidavit were missing from the materials sent to Judge Evans. The coordinator confirmed that my exhibits were indeed filed electronically as one document with the lead document, in accordance with the Tarrant County District Clerk's Filing FAQ, which states: "Same process for exhibit as initial filings- Exhibits should be merged into one document with the lead document."
8. On October 10, 2024, Judge James Munford filed an "Amended Order of Referral," and once again the correspondence to Judge Evans was handled by the court coordinator Lindsey Baker rather than the clerk of the court as required by Rule 18a(e)(2).
9. This time, the coordinator claimed that the "size of the motion" justified splitting it into three separate files, this time including the exhibits and affidavit that had been previously omitted, thereby contradicting the earlier handling of the motion.
10. These actions directly violated Texas Rule of Civil Procedure 18a(e)(2), which explicitly 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."

11. The law does not permit a court coordinator, who serves at the pleasure of the judge subject to recusal, to handle this sensitive procedural matter. Instead of the neutral clerk of court processing these materials as required by statute, the court coordinator for the very judge whose impartiality was being questioned took possession of and modified the recusal motion.

OBJECTIONS AND LACK OF REMEDY

12. I timely filed formal objections to these procedural irregularities, including documentation of all email exchanges with the coordinator and the modifications made to my original motion.
13. My objection specifically stated that "the explanation changed to the document being too large. This inconsistency raises concerns about transparency and procedural fairness."
14. Judge Evans took no action to remedy these procedural violations despite being properly notified of them.
15. After waiting four months for the judges to be reinstated as per Judge Evans' order, I had to personally reach out to the court coordinator to remind her to reinstate the trial judges.
16. When I filed a second recusal motion naming Judge Munford as the respondent judge, Judge Evans issued an order addressing my objections regarding:
- a. The continued involvement of Lindsey Baker, the court coordinator; and
 - b. The erroneous order of referral sent by Judge Kaitcer.
17. In his order, Judge Evans stated: "The court coordinators and clerks work together to assist the trial judges and the administrative judges. Only the judges, not the litigants, have the authority to direct the activities of the court coordinators and clerks. Mr. Myers' objections regarding the involvement are overruled."

18. This reasoning directly contradicts the plain language of Rule 18a of the Texas Rules of Civil Procedure, which does not designate any role to the court coordinator in the recusal process, and instead explicitly assigns these duties to the clerk of the court.

PATTERN OF CONDUCT AND HARM

19. As a direct result of these procedural violations and Judge Evans' failure to remedy them, I have suffered substantial harm, including but not limited to:

- a. Being denied access to the courts when I sought emergency relief for my youngest child who was facing a serious dental emergency;
- b. Being denied the opportunity for a fair hearing on my recusal motions;
- c. Having my properly filed motions improperly modified before being presented to the decision-maker;
- d. Being subjected to biased handling of critical procedural matters by non-neutral staff members who serve at the pleasure of the judges whose impartiality I was challenging; and
- e. Suffering financial harm through the continued deprivation of my property and business interests while these procedural violations remain unaddressed.

20. In the face of a serious dental emergency for my youngest child, I opened a separate SAPCR suit, arguing for dominant jurisdiction, only to be denied access to the courts by Judges Kate Stone and Kenneth Newell, which prevented an emergency TRO needed for the safety and welfare of my children. This negligence led to a direct injury to my youngest child.

21. After the SAPCR was improperly consolidated by Judge Newell, Judge Munford moved the case toward final disposition, which I promptly objected to. My objections were ignored.
22. This pattern of procedural violations has persisted despite my repeated, documented efforts to seek proper administration of justice through the channels provided by Texas law.

LEGAL AUTHORITIES

23. Texas Rule of Civil Procedure 18a establishes mandatory procedures for the recusal of judges, including the requirement that "the clerk of the court must immediately deliver a copy [of the recusal motion] to the regional presiding judge" under Rule 18a(e)(2).
24. The Texas Constitution Article V, Section 1-a provides that judges may be removed for incompetence, partiality, oppression, official misconduct, or failure to execute their official duties.
25. Texas Government Code § 33.001 defines judicial misconduct to include willful or persistent violation of rules promulgated by the Supreme Court of Texas and willful or persistent conduct that is clearly inconsistent with the proper performance of judicial duties.
26. Texas Penal Code § 39.02 prohibits abuse of official capacity by public servants, providing that a public servant commits an offense if, with intent to harm another, they intentionally or knowingly violate a law relating to their office.
27. Texas Penal Code § 39.03 prohibits official oppression, stating that a public servant commits an offense if they intentionally deny or impede another in the exercise of their rights, privileges, powers, or immunities, knowing their conduct is unlawful.

28. Under established Texas case law, recusal is required not only for actual bias but also where procedural irregularities create an appearance of impropriety or reasonable doubt as to a judge's impartiality. See *Sears v. Nueces County Sheriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000) .
29. The Texas Supreme Court has emphasized that judges must strictly adhere to recusal procedures to preserve public confidence in the judiciary. See *In re Inquiry Concerning Honorable Bonnie Rangel*, 677 S.W.3d 918 (Tex. 2023) .

CONCLUSION AND PRAYER FOR RELIEF

30. Based on all the foregoing facts, I respectfully assert that Judge David L. Evans has demonstrated a pattern of disregard for the mandatory recusal procedures established by Texas law, creating both an appearance of impropriety and reasonable doubt as to his impartiality in handling matters related to my case.
31. His failure to adhere to the clear requirements of Rule 18a, combined with his explicit approval of non-neutral staff handling sensitive recusal materials in contravention of the rule's plain language, constitutes grounds for recusal under Texas law.
32. I respectfully request that this Honorable Court:
- a. Grant this first amended motion to recuse Judge David L. Evans;
 - b. Effectuate an immediate stay of these proceedings to preserve the integrity of the Texas judiciary;
 - c. Provide interim relief pursuant to Rule 18a(g)(4) that restores my property interests;
 - d. Require the Petitioner and her counsel to provide a written response to the allegations contained herein; and

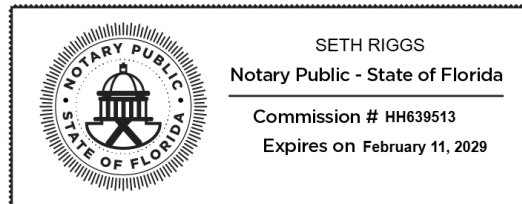
e. Provide any further relief the Court deems just and right under these circumstances.

FURTHER AFFIANT SAYETH NOT.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS
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817-546-3693
PRO-SE RESPONDENT

State of Florida
County of Bay County



Sworn to (or affirmed) and subscribed before me by means of online notarization,
this 09/11/2025 by Charles Dustin Myers.

Seth Riggs
Seth Riggs

___ Personally Known OR ___☒ Produced Identification

Type of Identification Produced DRIVER LICENSE

CERTIFICATE OF SERVICE

Respondent certifies that on 09/11/2025, a true and accurate copy of this FIRST AMENDED MOTION TO RECUSE THE REGIONAL PRESIDING JUDGE was served upon 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
PRO-SE RESPONDENT

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Filing Description: First Amended Motion to Recuse the Regional Presiding Judge

Status as of 9/12/2025 3:39 PM CST

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