

OBJECTION AND
REQUEST FOR
JUDICIAL NOTICE
02.25.2025

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

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

OBJECTION AND REQUEST FOR
JUDICIAL NOTICE

2025-02-25

TO THE HONORABLE REVIEWING JUDGE:

I. INTRODUCTION

What incentive does this Court have, if not to uphold the very laws it is sworn to enforce, to restore long-overdue justice in this matter? How many unopposed motions must be filed, and how much procedural entanglement must be endured, before substantive relief is granted? This case hinges on a purported settlement agreement that plainly lacks the required consent of both parties, leaving no valid mutual assent. Yet procedural barriers and administrative mishandling have thwarted any genuine review of these issues.

Before this Court can even see the motion, it must pass through the same administrative staff whose conduct has hindered the proper adjudication of this dispute. In particular, the

undersigned formally objects to the involvement of Court Coordinator Lindsey Baker—who has already mishandled crucial aspects of recusal proceedings—in any further handling of pleadings or hearing requests. Despite clear entitlement to timely judicial review, the undersigned, **CHARLES DUSTIN MYERS**, remains unjustly delayed in receiving the relief this Court is well within its authority to provide.

For these reasons, and because justice must not be indefinitely postponed, the Court should act promptly and decisively, granting the long-overdue relief warranted under the law and prevent court administration from further obstructing justice.

The undersigned, CHARLES DUSTIN MYERS, is long overdue for relief from this court, and it should be delivered now and without delay for the forthcoming reasons as supported by long-standing Texas laws – both ethical and statutory:

II. STATEMENT OF FACTS

1. On October 1, 2024, pursuant to Misc. Docket No. 24-9030 issued by the Supreme Court of Texas, electronic filing became mandated which included the provision that county clerks are to integrate their local case management systems with the electronic filing manager - re:SearchTX.
2. On October 7, 2024, at exactly 7:30 A.M. CST, the undersigned, CHARLES DUSTIN MYERS, submitted a Joint Motion to Recuse Judges James Munford and Jeff Kaitcer of the 322nd District Court of Tarrant County, Texas

and the motion was submitted via the re:SearchTX platform.

3. On October 7, 2024, at exactly 10:46 A.M. CST, the court staff accepted the Joint Motion to Recuse via envelope number 92846417 through the re:SearchTX platform.
4. On October 8, 2024, at exactly 4:43 P.M. CST, the undersigned was sent an email by the court coordinator, Lindey Baker, of the 322nd District Court of Tarrant County which contained two files:
 - i. The correspondence letter between District Judge James Munford and Regional Presiding Judge David L. Evans.
 - ii. A modified version of the original Joint Motion to Recuse filed by the undersigned which was missing the sworn affidavit and attached exhibits.
5. On October 8, 2024, at exactly 6:29 P.M. CST, the undersigned responded to Baker's email pointing out the discrepancy and attached a copy of the original motion.
6. On October 8, 2024, at exactly 10:43 P.M., Baker replied "The exhibits were e-filed and are included in the Courts file."

7. On October 9, 2024, at exactly 12:06 A.M., the undersigned further noted the discrepancy in file sizes between the original submission and the version that was delivered to regional judge David L. Evans and marked the end of email correspondence.
8. On October 9, 2024, at exactly 12:18 P.M., the undersigned was forwarded another email correspondence from Baker, which contained four files:
 - i. The amended correspondence letter between District Judge James Munford and Regional Presiding Judge David L. Evans,
 - ii-v. A modified version of the original Joint Motion to Recuse – now spliced into three documents labeled “Myers-Part1”, “Myers-Part2”, and “Myers-Part3”.
9. Baker’s justification for the modification of the original submission was claimed to be due to the file size of the motion.
10. Baker’s answer directly contradicted how electronic filing is normally handled by the clerks.
https://www.tarrantcountytx.gov/content/dam/main/district-clerk/Efiling_Frequently_Asked_Questions.pdf

11. The file size limit on the re:Search Texas platform is 35mb, and the undersigns original motion was well under this limit at approximately 20mb in size.
12. On October 10, 2024, Jeff Kaitcer also chose not to recuse himself, and Baker forwarded a third email correspondence to the undersigned which contained two files:
 - i. The correspondence letter between Associate Judge Jeff Kaitcer and Regional Presiding Judge David L. Evans,
 - ii. A modified version of the original Joint Motion to Recuse, however, as one document containing all exhibits and the affidavit that were missing from District Judge James Munford's original order of referral, and directly in conflict with Baker's prior statement regarding the file size.

III. LEGAL ANALYSIS

1. Sec. 37.01 of the Texas Penal Code defines the following terms:
 - “(1) ‘Court record’ means a decree, judgment, order, subpoena, warrant, minutes, or other document issued by a court of:
 - (A) this state;
 - (B) another state;
 - (C) the United States;
 - (2) "Governmental record" means:

(A) anything belonging to, received by, or kept by government for information, including a court record;

(3) "Statement" means any representation of fact.”

2. Sec. 37.10. of the Texas Penal Code sets forth the following if a Governmental Record is tampered with:

“(a) A person commits an offense if [s]he:

- i. knowingly makes a false entry in, or false alteration of, a governmental record;
- ii. makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
- iii. intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

3. Texas Government Code §§ 74.101–74.106 (Court Administration Act) sets forth the purpose and duties of the court coordinator, which:

- i. authorizes the appointment of court coordinators to assist judges in administering court dockets and operations.
- ii. The statute lays out that court coordinators “shall perform nonjudicial duties assigned by the judge, including maintaining the judge’s docket, scheduling hearings, and other administrative tasks.”

4. The Texas Rules of Civil Procedure rule 18a outlines the recusal process, which amongst other provisions including the duties of the regional presiding judge and the clerk of the court, which states under subparagraph (g):

“The regional presiding judge or judge assigned to decide the motion may issue interim or ancillary orders in the pending case as justice may require.”

5. And for the clerk, under subparagraph (e) of the Texas Rules of Civil Procedure 18a:

i. 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 in which the court is located ("the regional presiding judge").

6. And for the Respondent Judge(s) under subparagraph (f):

i. (1) Responding to the Motion. Regardless of whether the motion complies with this rule, the respondent judge, within three business days after the motion is filed, must either:

(A) sign and file with the clerk an order of recusal or disqualification; or

(B) sign and file with the clerk an order referring the motion to the regional presiding judge.

7. Finally, TRCP 21(f)(11) forbids the clerk from refusing to file a document that fails to strictly conform to the e-filing rules. Instead,

“the clerk may not refuse to file a document that fails to conform with this rule” – the clerk may only notify the filer of the error and set a deadline to resubmit in correct form.

8. The aforementioned laws have been grossly neglected by this court, and rather than providing justice, it is being actively denied.

IV. ARGUMENT

A. The Court Coordinator Lacked Legal Authority to Handle the Recusal Filings

1. Coordinators Have No Independent Authority Over Filing or Docketing.

Under Texas Government Code §§ 74.101–74.106, a court coordinator’s role is strictly administrative: maintaining the judge’s docket, scheduling hearings, and other nonjudicial tasks. In contrast, **the clerk of the court** is the official custodian of court filings, responsible for receiving, filing, and preserving all pleadings.

2. **Texas Rule of Civil Procedure 21(f)(11)** explicitly states that once a document is e-filed in accordance with the rules, the clerk “may not refuse to file” it, even if it fails to conform perfectly. There is no mention of a coordinator having any parallel authority.

3. As explained in the facts, Court Coordinator Lindsey Baker took it upon herself to “modify” the Joint Motion to Recuse, omitting the sworn affidavit and exhibits from the version that was apparently sent to the Regional Presiding Judge. Such an act goes beyond any permissible administrative function and constitutes a direct interference with court records and is a criminal offense in Texas.
4. Coordinators Are Not Granted a Role Under TRCP 18a
Motions to recuse are governed by **Rule 18a** of the Texas Rules of Civil Procedure, which specifically names the clerk of the court, the respondent judge, and the regional presiding judge—**not** a court coordinator.
5. **Rule 18a(e)**: The clerk “must immediately deliver a copy” of the filed recusal motion to the respondent judge and regional presiding judge. This duty is the clerk’s alone, not the coordinator’s.
6. **Rule 18a(f)**: The respondent judge has three business days to act—either recuse voluntarily or refer the motion to the regional presiding judge. Again, no role is assigned to a coordinator for screening, modifying, or distributing the document.
7. Unauthorized Alteration of Filings Can Constitute Tampering.

By “splicing” the motion after pointing out the modified submission, Baker created what amounts to a **false or incomplete record** for official purposes. Texas Penal Code § 37.10(a) prohibits knowingly making a “false entry in, or false alteration of, a governmental record” and intentionally “impairing the availability” of that record.

8. Because court filings fall within the definition of “governmental record” in Penal Code § 37.01(2), Baker’s unilateral modifications raise serious concerns under the tampering statute, as well as potential violations of due process.
9. Accordingly, **any action Baker took regarding the recusal motion was ultra vires** (beyond lawful authority) and compels the Court to acknowledge that the filing process was improperly subverted.

B. The failure to properly File and Refer the Recusal Motion Violates TRCP 18a

10. The Respondent Judge’s Strict Three-Day Obligation

Rule 18a(f)(1) imposes a mandatory duty on a judge who is the subject of a recusal motion: within three business days of the motion’s filing, the judge must either sign an order of recusal or **sign and file** an order referring the motion to the regional presiding judge. Failing to comply is more than a

minor procedural error—it thwarts the entire recusal framework. An informal email is not the proper way to handle recusal in Texas.

11. As stated in the facts, **District Judge James Munford** did not promptly issue a signed referral order upon the filing of the Joint Motion to Recuse. Instead, the motion was first circulated via unofficial emails—rather than properly filed—to the regional presiding judge, causing confusion and incomplete documentation and a modified version of the original.
12. This departure from Rule 18a is not trivial. The Texas Supreme Court has emphasized that a respondent judge’s prompt action is crucial to safeguarding a party’s due process right to a neutral decision-maker.
13. Email Transmissions Do Not Substitute for Official Filing. The rule unequivocally requires the judge to **file** the order (whether recusal or referral) with the clerk. Emailing materials to the regional judge does not satisfy the formal requirement of “filing,” which ensures transparency, an official record, and compliance with e-filing mandates.
14. By attempting to circumvent the standard procedure, Judge Munford effectively allowed the motion to proceed in a manner that bypassed the clerk’s docket, thereby denying

the undersigned the procedural safeguards guaranteed by Rule 18a(e)–(g).

15. Consequence: Improper Handling Voids Subsequent

Actions Under well-established case law (e.g., *Hudson v. Tex. Children's Hosp.*, 177 S.W.3d 232 (Tex. App.—Houston [1st Dist.] 2005, no pet.)), **actions taken after a recusal motion is improperly handled or ignored may be rendered void.** This is precisely what has occurred here, and now the court is stonewalling the undersigned when it has every reason to grant immediate relief.

16. Here, since the required procedure was never followed, any subsequent determinations or referrals by Judge Munford or Associate Judge Kaitcer (also named in the recusal) stand on precarious legal ground.

C. The Clerk Must Docket the Recusal Motion in Full and Without Alteration

17. Clerk's Non-Discretionary Duty Under TRCP 21

Once a motion is e-filed, the clerk must file-stamp and note it on the court's docket. The clerk's office has no discretion to reject or modify a filing based on substantive content. There is still no trace of the originally submitted Joint Recusal motion found on the re:Search Texas platform.

18. **TRCP 21(f)(11)**: “The clerk may not refuse to file a document that fails to conform to these rules.” Thus, even if there were perceived technical issues (e.g., file size), the correct remedy is for the clerk to notify the filer, not to alter the motion or remove exhibits and then give false statements as to the intentions behind the alteration.

19. Coordinator Interference Does Not Relieve the Clerk of Responsibility

Even if the coordinator allegedly modified the filing or gave instructions, the clerk’s statutory obligation remains. If the clerk allowed the coordinator’s altered version to replace the original in official communications with the regional judge, that constitutes a serious breakdown of mandated processes and a violation of the court’s duty to maintain accurate records.

20. Presumption of Prejudice

Given the importance of a recusal motion and the requirement of impartiality, **any interference with the filing is presumed prejudicial** to the party seeking recusal. The undersigned was effectively denied the protections of due process, including the right to have his motion heard on the complete merits with all supporting exhibits and affidavits.

D. Denial of Due Process and Subversion of Justice

21. Fundamental Right to a Fair Tribunal

The undersigned has a constitutional right to an impartial judge, guaranteed by **Article I, Section 19** of the Texas Constitution (due course of law) and the Fourteenth Amendment of the U.S. Constitution (due process). When a litigant files a motion to recuse, the rules serve as a safeguard for that right. Subverting these procedures equates to subverting due process.

22. Active Denial of Justice

The undersigned remains unjustly barred from relief, as the central issue—lack of valid consent in the purported settlement—has never been legitimately addressed. Instead, it is tangled in administrative gatekeeping that contravenes multiple provisions of state law. “Justice delayed is justice denied,” and the repeated mishandling of filings amounts to an active refusal to apply the law.

23. Public Confidence Undermined

The proper functioning of the judiciary requires the highest standards of transparency and fairness. When court personnel assume unauthorized roles (e.g., altering motions) and judges neglect their duties to file and refer recusal motions within the prescribed time, the **public**

confidence in the judicial system is undermined. Texas law and judicial ethics both demand swift correction.

E. The Court Should Grant Immediate Relief and Rectify Procedural Violations

24. Restoring the Proper Status of the Recusal Motion

To remedy these violations, the Court must **order the clerk** to place the original, unaltered Joint Motion to Recuse on the official docket. Any reference to the coordinator's "spliced" or incomplete version should be nullified.

25. Enjoin Court Coordinator from Interfering with Filings

The Court should instruct that the coordinator has no authority to edit, withhold, or otherwise alter motions or other pleadings, especially those that are time-sensitive and implicate the impartiality of the judiciary. If necessary, the Court should issue an order forbidding any unauthorized handling of recusal or other critical motions. The undersigned respectfully objects to Baker's handling of any further documents or administrative actions in this case, including scheduling hearings, and the undersigned reserves the right to pursue legal action if necessary to protect his rights and the rights of his children.

26. Award Such Other Relief as Justice Requires

The undersigned seeks any further orders to which he may

be entitled, whether to address any ongoing interference, to provide injunctive relief ensuring fair access to the Court, or to sanction improper conduct that has obstructed the administration of justice. The Regional Presiding judge who is overseeing this matter not only has the legal discretion to issue interim orders pursuant to TRCP 18a, but a legal obligation considering the circumstances.

V. PRAYER FOR IMMEDIATE RELIEF

WHEREFORE, based on the foregoing legal arguments and applicable authorities, the undersigned respectfully urges this Court to:

27. Recognize that the recusal motion was improperly withheld and altered by the court coordinator;
28. Direct the clerk to immediately file and docket the **complete, unaltered** Joint Motion to Recuse with all exhibits and affidavits;
29. Enjoin any further unauthorized modifications or interference by non-clerk personnel; and
30. Grant such other and further relief as the interests of justice and due process require without a hearing and with specific instructions permitting the undersigned to return to his home at [REDACTED].

Only until then can justice be served in this matter and the best interests of the children upheld.

Respectfully Submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

[REDACTED]

[REDACTED]

817-546-3693

CHUCKDUSTIN12@GMAIL.COM

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CERTIFICATE OF SERVICE

Pursuant to TRCP 21(a), the undersigned certifies that a true and accurate copy of the OBJECTION AND REQUEST FOR JUDICIAL NOTICE has been filed and served upon all parties of record through the Texas Supreme Court approved electronic filing manager, re:Search Texas at the following:

To Opposing Counsel COOPER L. CARTER at her email address not on file with the EFM:

COOPERCARTER@MAJADMIN.COM

To the Petitioner, MORGAN MICHELLE MYERS, via email on file with the EFM:

MORGANMW02@GMAIL.COM

Dated on this 24th day of February, 2025.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

[REDACTED]

[REDACTED]

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