

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*
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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

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