



322-744263-23

NOTICE OF INTENT TO FILE MANDAMUS

05.21.25

322-744263-23

FILED
TARRANT COUNTY
5/21/2025 9:37 AM
THOMAS A. WILDER
DISTRICT CLERK

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,

Respondent.

Notice of Intent to File Mandamus

2025-05-21

To the Honorable John H. Cayce Jr.:

Respondent in the above styled cause, CHARLES DUSTIN MYERS, (“the Respondent”) submits this notice of intent to file mandamus to respectfully challenge the orders entered into the record of cause number 322-744263-23 on May 20, 2025. This notice is submitted in good faith to afford the Court an opportunity to vacate or correct the orders, and to avoid the necessity of further extraordinary intervention. The Respondent maintains that the record, on its face, demonstrates a clear deviation from procedural due process and established Texas jurisprudence regarding recusal proceedings, warranting immediate corrective action to uphold this court’s impartiality and public confidence in the judiciary.

I. INTRODUCTION

This Court overruled an objection filed by the Respondent, CHARLES DUSTIN MYERS, which complained that the Court was deviating from Rule 18a of the Texas Rules of Civil Procedure by involving the judge's personally appointed court coordinator in the process. The court then used the same rule to summarily deny relief. This selective use of Rule 18a defeats the entire purpose of the rule, undermines the recusal process, and serves the opposite effect of what the Legislature had intended.

II. THE RECUSAL PROCESS

Each party in this process has their own clear, designated role which is unambiguously set forth in the Texas Rules of Civil Procedure to ensure that the proceedings do not appear prejudicial or impartial after a question of impartiality has been raised.

1. THE MOVANT

The Movant's responsibility is to comply with the requirements of *Id.* 18a(a) et seq., which the Court contends were not satisfied. However, compliance is a matter to be addressed only after the motion has been received and processed in accordance with the rule's mandatory transfer procedures. Once a motion is filed—regardless of perceived sufficiency—the initial responsibility shifts to the clerk of the Court.

2. THE CLERK OF THE COURT

The filing of the motion activates the clerk's responsibility under *Id.* 18a(e)(1), which requires prompt delivery of the motion to both the Regional Presiding Judge and the

Respondent Judge. Upon completion of this task, the next procedural duty shifts to the Respondent Judge.

3. THE RESPONDENT JUDGE

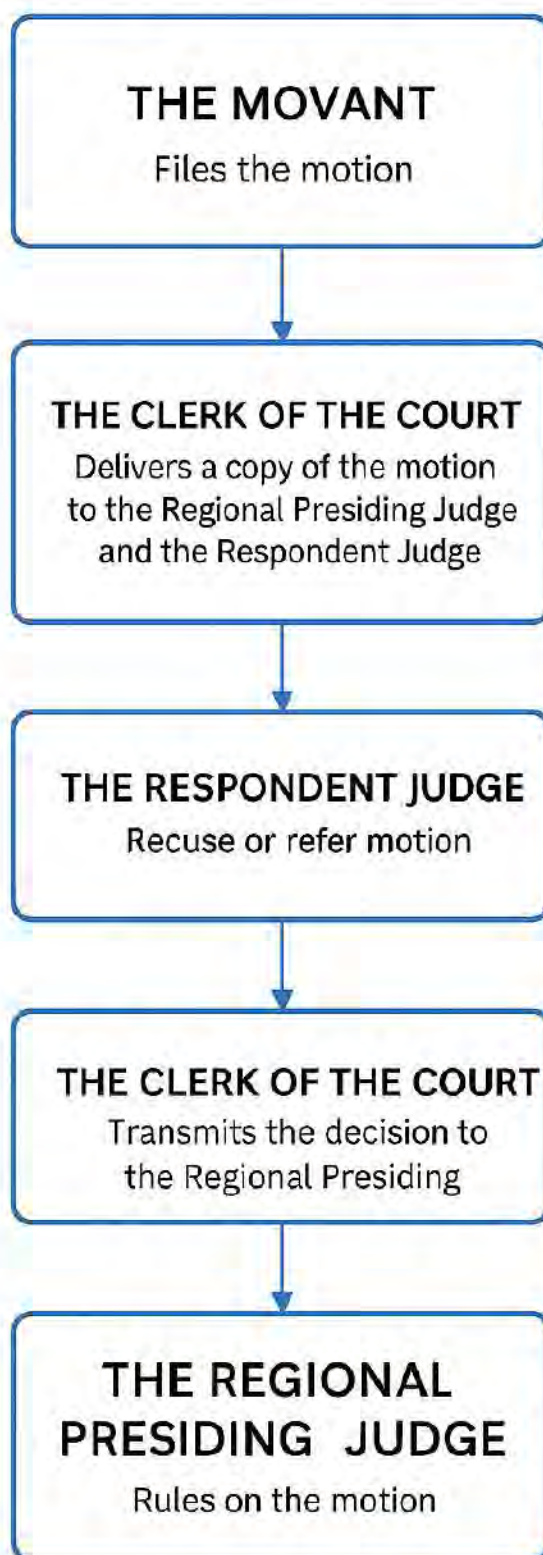
Upon receipt of the motion from the clerk, the Respondent Judge is required to make one of two possible decisions set forth in *Id.* 18a(f)(1). He can either choose to recuse himself pursuant to *Id.* 18a(f)(1)(A) by filing with the clerk an order of recusal, or he can choose to file with the clerk an order of referral to the Regional Presiding Judge. When this decision is made, the procedural responsibility shifts back to the clerk, who must then comply with *Id.* 18a(e)(2) and deliver a copy of the decision made to the Regional Presiding Judge.

4. THE REGIONAL PRESIDING JUDGE

Upon receipt of a referred motion, the Regional Presiding Judge can either rule on the motion or assign a judge to rule pursuant to *Id.* 18a(g)(1). This portion in the chain of procedural responsibility is when a determination can be made regarding the Movant's compliance with *Id.* 18a(a) *et seq* assuming all procedural requirements were followed, and no objections arise.

5. FAILURE TO COMPLY

If the Respondent Judge fails to comply with a duty imposed by the rule, the Relator reserves the right to “notify the Regional Presiding Judge”. *Id.* 18a(f)(3). Otherwise, *Id.* 18a(a) *et seq.* would now be fair game to attack the merits of the motion filed by the Respondent.



III. LEGAL ANALYSIS

In the instant matter, the recusal process was not followed in accordance with the procedure outlined above. The Respondent correctly invoked Texas Rule of Civil Procedure 18a(f)(3) by filing a timely objection to procedural deviations in the administration of the recusal proceedings. The objection identified two core issues: (1) the involvement of the court coordinator in the handling and forwarding of the recusal motion, and (2) the fact that the motion to recuse the Honorable Jeff Kaitcer was never formally filed in this cause number, thereby invalidating any referral or adjudication related to it.

These two procedural irregularities, when viewed together, undermine the structural integrity of the recusal process and violate the mandatory requirements under Rule 18a. The rule does not permit informal substitution or delegation of duties to non-judicial actors such as court coordinators in matters as serious as judicial Recusal. If the Legislature had intended for a role designation in this process for coordinators, it would be set forth in the Rule. By overruling this request on the grounds of 74.102(b) and leaving the issue of the Kaitcer motion unresolved, the Respondent filed a Petition for Writ of Mandamus in the Texas Supreme Court docketed under case No. 25-0426. However, without a stay in place, this Court had the ability to attack the merits of the motion, which were ripe for attack regardless of his filing of a Mandamus in the Texas Supreme Court.

IV. THE MOTION TO RECUSE

In the opening paragraph of the Amended Motion to Recuse Hon. James Munford, it states:

“ The act of setting this case for final trial after sustaining over a year of irreparable harm while appellate proceedings remain unresolved is itself an act of partiality warranting mandatory recusal pursuant to Tex. R. Civ. P. 18b(b)(1) and 18b(b)(2) on the grounds that the impartiality of the tribunal is reasonably in question, and there is a clear personal bias and prejudice exhibited towards the undersigned. This petition has been amended as the youngest child named in this suit has now sustained injury due to the collective negligence of the parties named herein, and the entire compiled case record has been attached. The statement of facts below highlights a clear bias towards the undersigned for reasons that can't be attributed to the record. ”

Pursuant to Rule 18a *et seq.* , the motion was verified, the motion stated with particularity the grounds for recusal pursuant to 18b, it provided a statement of facts reflecting the Respondent's beliefs, provided direct links to the references which make up the foundation for those beliefs, and those references are self-authenticating documents, are part of the official court record, and therefore would be admissible into evidence.

V. SUMMARY DENIAL

The Court's decision to summarily deny the motion to recuse Hon. James Munford and also summarily deny a motion that was never filed raises the question as to what motion the court was reviewing, and if it was a true and accurate copy of the motion as filed with the clerk of the court. While the Respondent respects this court's engagement, the reasoning provided does not comport with the face of the motion. The bookmarks

provided in the PDF alone provide clear grounds for recusal that are not solely based on the judge's rulings. Had the court summarily denied the motion on the grounds of timeliness – it would have been more appropriate and mandamus would not have been the appropriate method of attack.

Here, the ruling on a motion which was never filed came after the involvement of the court coordinator who serves at the pleasure of the same Judge subject to recusal. *See* Tex. Gov't. Code § 74.101(b). By introducing unnecessary ambiguity into these proceedings which have a clear process outlined in the Rules, the impartiality of the trial court remains in question, the summary denial does not comport with the motion filed, and the core issues of the case remain buried underneath procedural abnormalities that continue to compound.

CONCLUSION AND PRAYER

For all these reasons, the Respondent respectfully argues that it was an abuse of discretion to summarily deny the recusal motion regarding Hon. James Munford without a hearing. As stated across all four concurrent mandamus petitions currently pending in the Supreme Court of Texas, the Respondent and the Children continue to suffer ongoing harm while the Petitioner remains silent, her counsel refuses to prosecute, and the errors continue to compound, leaving the Respondent without an adequate remedy for relief. The Respondent prays the Court reconsider its' denial and set this matter for a hearing, or in the alternative, provide input in the Texas Supreme Court to effectuate justice.

This situation warrants further clarification as it has no basis in Texas law.

Respectfully submitted,

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

CERTIFICATION OF SERVICE

Pursuant to rule 21a Tex.R.Civ.P., a copy of this notice has been served to all parties of record via the EFM.

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Status as of 5/22/2025 3:06 PM CST

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