

NO. 25-0458

# IN THE SUPREME COURT OF TEXAS

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*In Re: Charles Dustin Myers, Relator*

Original Proceeding from the 322<sup>nd</sup> District Court

Tarrant County, Texas

Hon. John H. Cayce, Jr. Presiding by Assignment

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## UN-OPPOSED EMERGENCY MOTION TO STAY

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Respectfully submitted by:

Charles Dustin Myers, *Relator*

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Denton County, Texas

## **TO THE HONORABLE SUPREME COURT OF TEXAS:**

There has been put forth an enormous effort by the Relator to correct the situation at hand. This effort has not been to harass the judiciary or the parties in this case, but rather to uphold the keystone of Family Law that has been missing from this case: decisions that are in the best interests of the children.

As the Texas Family Code mandates, “The best interest of the child *shall always* be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.” Tex. Fam. Code 153.002. Furthermore, this State’s policy is to “assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child;” *Id.* 153.001.

Here, these two statutory mandates are not being met. The children in this matter have continuous and frequent contact with neither parent, one of whom has been continuously prevented from accessing his residence, and the other who has shown that she cannot act in their best interests by attempting to erase the Relator from their lives.

This isn’t just an emergency situation – it’s a manifest injustice that has continued to compound as time progresses. No guidance has been provided outside of *per curiam* denials, and the nature of the damage cannot be undone later, and cannot be remedied by way of an appeal. Relator asks for an immediate stay.

## **I. NATURE OF THE EMERGENCY**

The Relator has filed three emergency stay motions, one in cause number 25-0361, one in 25-0426, and one in the instant matter, 25-0458. The effects of not granting a stay are already before this court. Had 25-0361 issued, cases 25-0426 and 25-0458 would not have been filed because the court would have been prevented from trying to proceed below during the midst of the raised issues. Each day that these issues are left unresolved causes more harm that can't be repaired later.

The Relator continues to be kept away from his residence, the Real Party continues to remain silent on the issues, and there has been no provided guidance on how to correct this situation. The Relator has been kept away from his home for over fourteen months now and has received no explanation as to how an agreed order missing his signature and which doesn't even have the correct residential address on it can withstand judicial scrutiny and be permitted to wreak havoc on the lives of the children in this case, and the Relator himself.

The emergency situation began on March 14, 2024, and everything in-between amounts to the Relator's efforts to regain his rights in the face of absolute silence while the issues continue to compound. A stay will preserve these rights pending determination, prevent further errors, and uphold this State's policy.

## II. PRESERVATION OF RIGHTS

In addition to 52.10 of the Texas Rules of Appellate Procedure, a broader ground for emergency stay motions is found in Texas Rule of Appellate Procedure 29.3, which authorizes appellate courts to "make any temporary orders necessary to preserve the parties' rights until disposition of the appeal." As referenced in *In re Tex. Educ. Agency*, 619 S.W.3d 679 (Tex. 2021), this rule provides a flexible basis for seeking temporary relief during the appellate process.

The key consideration under Rule 29.3 is whether the requested stay is "necessary to preserve the parties' rights" during the appeal. This language gives the court significant discretion to grant stays when it determines that failing to do so would impair the rights of one or more parties before the appeal can be resolved.

The "emergency" designation indicates that the motion requires expedited consideration due to time-sensitive circumstances. Emergencies typically involve situations where:

1. Immediate action is needed to prevent irreparable harm
2. The trial court is proceeding despite a statutory stay
3. Execution on a judgment is imminent

4. A child's safety or welfare is at immediate risk
5. The effectiveness of the court's ultimate judgment would be compromised without immediate relief

All five of these elements are met here:

1. Immediate action is needed to prevent the undue separation of the Relator from his children, the ongoing damage to the parent-child bond, and the financial damages that continue to accrue with each passing day.
2. The trial court is proceeding below without awaiting guidance from this Court, taking further steps that risk compounding error and infringing on rights that are the subject of pending review.
3. Execution on a judgment is imminent: namely, the anticipated reinstatement of Hon. Munford and Hon. Kaitcer in the recusal proceedings below, which will almost certainly be issued despite two active mandamuses pending before this Court related to those very proceedings. That reinstatement will force the Relator to file yet another mandamus, as no adequate appellate remedy would remain.
4. The children's welfare has been at substantial risk for far too long. They have lost the connection with a loving, fit parent without legal

basis, and are now subjected to a **psychologically** harmful environment in which their Father has been replaced. No efforts are being made to maintain or restore any form of a relationship with him, even as these issues remain unresolved before this Court.

5. The effectiveness of this Court's ultimate judgment would be compromised without immediate relief. If the trial court proceeds and issues additional rulings under a structurally flawed framework, this Court's eventual decision—no matter how correct—may arrive too late to undo the compounded harm or fully restore the status quo.

In addition, there has been no response or opposition to these motions. The Relator has duly notified each party of his intention, and no response has been provided either here or in the form of correspondence by the Respondent judges or the opposing counsel. In essence, the case has been stayed for several months because there has been no action taken outside of the Relator seeking relief which has lead to the five mandamus petitions before this court filed by him.

Staying the proceedings now would provide the much needed relief for the children and the Relator that cannot wait another day. Absent a response or opposition, and given the issues raised across all five of his petitions, the Relator reiterates that by not granting an immediate stay, irreversible damage will continue.

## CONCLUSION AND PRAYER FOR RELIEF

For the reasons detailed above, and those incorporated in the emergency stay filed in case numbers [25-0361](#) and [25-0426](#), as well as the [third amended motion to consolidate](#) filed in all cases, and the [affidavit](#) in support of the stay filed in the lowest numbered cause, the Relator, CHARLES DUSTIN MYERS, respectfully requests that this Honorable Court act swiftly to restore justice to these proceedings. Specifically, the Relator requests that the Court:

1. IMMEDIATELY GRANT this emergency motion to stay to prevent further irreparable harm and ensure the protection of the Relator's rights and the welfare of his children.
2. ISSUE the grant today, if possible, to serve the interests of justice and provide immediate relief from the ongoing harm and procedural irregularities.
3. ORDER a response to be filed by [specific date], ensuring that all parties have the opportunity to address the issues raised in this motion in a timely manner.

The Relator emphasizes the critical nature of this request and the need for prompt judicial intervention to prevent further injustice and protect the welfare of all parties involved.

Respectfully submitted,

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
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### **CERTIFICATE OF COMPLIANCE**

Pursuant to **Rule 52.10(a) of the Texas Rules of Appellate Procedure**, the undersigned hereby certifies as follows:

Relator, Charles Dustin Myers, has notified, or made diligent efforts to notify, all Real Parties in Interest of the intent to file this **Emergency Motion to Stay**. Notification efforts included email correspondence made on or before the time of filing, in a manner intended to provide expedited notice as required by the rule. Despite such notice, no opposition has been filed in this proceeding, nor in response to any of the prior emergency stay motions filed in Case Nos. 25-0361, 25-0426, or related actions. Accordingly, and based on the record, this motion is presented as procedurally unopposed.

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
Relator, Pro Se

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