

NO. 322-744263-23

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN RE: M.E.M., ET AL.

**CHARLES DUSTIN MYERS, **

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

Petitioner's Request for Declaratory Judgement

2025-03-31

TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Respondent in the above filed case, files this Request for Declaratory Judgement, and in support thereof shows the following:

I. STATEMENT OF FACTS

1. Petitioner, representing himself pro-se, removed cause number 322-744263-23 to the Northern District of Texas on December 6, 2024.
2. The case was remanded on December 8, 2024, for lack of subject matter jurisdiction.
3. Rule 237a of the Texas Rules of Civil Procedure states:

“When **any cause** is removed to the Federal Court and is afterwards remanded to the state court, **the plaintiff shall file** a certified copy of the order of remand with the clerk of the state court and shall forthwith give written notice of such filing to the attorneys of record for all adverse parties.”
(emphasis added)

4. This places the obligation on COOPER L. CARTER to file with the clerk of the state court a certified notice of remand, which she has failed to do as of March 31, 2025, nearly three months later.

5. COOPER L. CARTER's authority to represent MORGAN MICHELLE MYERS has been in question since September 20, 2024, over six months ago and is in question in this matter.

6. COOPER L. CARTER has never filed a pleading on MORGAN MICHELLE MYERS' behalf in either this court or the 322nd district court since she was allegedly retained on January 22, 2024, over fourteen months ago.

7. RODERICK D. MARX has filed every pleading on behalf of COOPER L. CARTER in both this matter and the divorce matter.

8. RODERICK D. MARX has not made an appearance or otherwise been named as a party in either suit.

9. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any response to any pleadings served to them by CHARLES DUSTIN MYERS.

10. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any pleading since April 24, 2024 in the divorce matter, nearly ***twelve months ago.***

11. COOPER L. CARTER has left the 322nd District Court without jurisdiction and has no ability to reinstate it, thereby resulting in an inevitable dismissal for want of prosecution.

12. COOPER L. CARTER cannot reinstate jurisdiction because her EFM is registered to her prior employer's email address, which has been pointed out several times by Petitioner.

13. Therefore, the 322nd District Court of Tarrant County has lost continuous exclusive jurisdiction of the minor children in this suit and this SAPCR is properly before this court.

14. On March 28, 2025, the Petitioner arrived at the 233rd District Court to present his emergency TRO as scheduled with the Court Coordinator on March 27, 2025.

15. The Petitioner was then told to contact COOPER L. CARTER by the Court Coordinator to select dates for the TRO hearing prior to his presentation once he arrived at the court.

16. The parties selected April 10, 2025, to have the hearing, and the Petitioner went before the Associate Judge to present his emergency TRO.

17. Prior to being called up to present, the Associate Judge left the room and conversed with the court coordinator.

18. When she returned, Petitioner was called up to present the emergency TRO.

19. Before getting a chance to speak, the Associate Judge informed the Petitioner that COOPER L. CARTER had filed the consolidation motion in the wrong court and would be filing one with the 322nd District Court.

20. The Petitioner was denied an opportunity to present his emergency TRO and was told to instead file the pleading with the 322nd District Court.

21. The Petitioner then reminded the Associate Judge that the 322nd District Court does not have jurisdiction over the matter of divorce due to Rule 237a's requirements not being met.

22. The Associate Judge disagreed and refused to hear the emergency TRO.

23. At the close of business on March 28, 2025, nothing was ever filed with the 322nd District Court by COOPER L. CARTER.

24. Petitioner and the children in this suit were denied due process outright despite being correct in his legal position.

25. Petitioner's detriment to his position is the fact that he is self-represented.

26. Respondent's detriment to her position is the lack of prosecution or defense.

II. ARGUMENT

The statement of facts, unless promptly rebutted by COOPER L. CARTER, warrant immediate relief as duly requested in the emergency TRO through a declaratory judgement, and this court should proceed with the hearing date originally set for April 10th, 2025, and the emergency TRO should be GRANTED without further delay.

COOPER L. CARTER disrupted much needed relief for the minor children in this case with false promises delivered to the tribunal that directly undermined the Petitioner's due process rights.

Petitioner reasserts his position that COOPER L. CARTER is acting without authority, has no ability to reinstate jurisdiction to the 322nd District Court of Tarrant County, and cannot explain how she is able to abandon a case for nearly a full calendar year, yet can suddenly show up to defend before this court for the sole purpose to prevent Petitioner's emergency TRO from being heard.

It may be a needle in the haystack, but this case defies the initial presumption that pro-se litigants are not as equipped or as capable as licensed attorneys, and it is no fault of COOPER L. CARTER. The Petitioner reminds the court that the true culprit responsible for this remains the puppet master hiding in the background – the Respondent – and yet Petitioner wishes no harm to her because this litigation is about the children. The children need their mother, but they also need their father.

Perhaps the zealous passion has been misunderstood for contempt by the tribunal, but Petitioner's motive runs parallel to that set forth in the Texas Family Code. However, despite the procedural quagmire, the anomalies, the pro-se status, the solution remains simple:

Grant the relief. Nobody has argued against it, Texas law allows it, and the best interests of the Children encourage it and depend on it. I welcome any response from COOPER L. CARTER to the contrary.

If approached from a logical standpoint, the situation can be interpreted as such:

- i. COOPER L. CARTER is shackled by Rule 12 and Rule 237a of the Texas Rules of Civil Procedure.
- ii. The 322nd District Court is shackled from proceeding due to never being reinstated jurisdiction.
- iii. The Petitioner is shackled from his home, his children's daily lives, and his place of business under facially void orders.
- iv. Most critically, the children are shackled in a situation that is not in their best interests and continue to suffer irreparable harm without any opportunity for relief.

Indeed, that leaves just one party un-chained from this situation:

the Respondent. Petitioner rests his case.

Respectfully submitted,

/s/ Charles Dustin Myers
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