



233-765358-25

**PETITIONER'S
STATEMENT**

04.01.25

233-765358-25

FILED
TARRANT COUNTY
4/1/2025 12:00 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

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 Statement

2025-03-31

TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Petitioner 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. (No. 4:24-CV-01185-O)

2. The case was remanded on December 8, 2024, for lack of subject matter jurisdiction. *Exhibit 1*

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, in cause number 322-744263-23 and is similarly in question in the instant case.

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, in her individual capacity 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 any ability to proceed to final trial, thereby resulting in an inevitable dismissal for want of prosecution. *Exhibit 2*

12. COOPER L. CARTER's EFM is registered to her prior employer's email address, which has been pointed out several times by Petitioner. *Exhibit 3*

13. The 322nd District Court of Tarrant County does not have continuous exclusive jurisdiction of the minor children.

14. The Petitioner opened a separate SAPCR before this court in March of 2025.

15. Without any submissions from Respondent since April 24, 2024, COOPER L. CARTER suddenly submits pleadings to this court claiming bad faith and answers with a general denial.

16. COOPER L. CARTER has not provided a response to the EMERGENCY TRO, yet feels it is appropriate to influence the proceedings with false promises to the tribunal. *Exhibit 4*

17. 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. *Exhibit 5*

18. 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. *Exhibit 6*

19. The parties selected April 10, 2025, to have the hearing, and the Petitioner went before the Associate Judge to present his emergency TRO. *Exhibit 7*

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

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

22. 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.

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

24. The Petitioner then reminded the Associate Judge that the 322nd District Court does not have the ability to proceed on the merits lacking a certified notice of remand pursuant to Rule 237a.

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

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

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

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

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

II. ARGUMENT

30. When it comes to remand, the obligation falls on the *plaintiff* to file with the state court a certified copy of the order of remand. TEX. R. CIV. P. 237a; see also *Kashan v. McLane Co.*, NO. 03-11-00125-CV, 7 (Tex. App. Jun. 7, 2012) (holding that rule 237a's notice requirements cannot be satisfied by the district court, but must come from the *plaintiff*.)

31. This prevents any trial on the merits, and prevents any relief to the Petitioner and his children.

32. All other facts supported by evidence have already been provided to COOPER L. CARTER yet continues to not engage and instead call in favors from the bench.

III. CONCLUSION

Petitioner traveled to this court with a prepared emergency supported by exhibits only to be turned away at the eleventh hour due to his self-represented status and in the face of no real opposition. The children were denied due process outright, and now have been left without a remedy. The proper course of action should have been to hear the TRO and put in place protections for the minor children pending any promises of consolidation.

The above 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. COOPER L. CARTER is fully aware that she cannot file anything in 322nd District Court because in doing so she would be acting *ultra vires*.

Petitioner reasserts his position that COOPER L. CARTER is acting without authority, has no ability to comply with 237a of the Texas Rules of Civil Procedure, and cannot explain how she is able to abandon a case for nearly a full calendar year, yet can suddenly show up to defend her alleged client before this court for the sole purpose to prevent Petitioner's emergency TRO from being heard, which was permitted despite being told he could present the motion. In what sense is this appropriate when children are involved? Does the attorney's license give her a free pass to thwart the rules and litigate in bad faith?

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 circumstance 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 demands it, and the best interests of the Children depend on it. There remains no logical or legal basis to give COOPER L. CARTER any further deference in the face of Petitioner's self-represented status. Petitioner welcomes any response from

COOPER L. CARTER to the contrary. If such response were to be filed, it would be the first in over fourteen months of litigation.

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 from reaching final trial.
- ii. The 322nd District Court is shackled from proceeding due to Cooper L. Carter's failure to prosecute.
- iii. The Petitioner is shackled from his home, his children's daily lives, and his place of business under facially void orders that claim consent.
- 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 and without any lawful basis.

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

the Respondent. Petitioner rests his case.

IV. PRAYER

WHEREFORE promises considered, the Petitioner, CHARLES DUSTIN MYERS, requests the following expedited relief:

1. Take judicial knowledge that COOPER L. CARTER disrupted an emergency in bad faith and failed to fulfill her promise.
2. Grant the emergency TRO without delay and keep the original hearing date set for April 10th as agreed by the parties on March 28th, 2025.
3. Give no further deference to attorney COOPER L. CARTER, who has not prosecuted nor defended her position, and require a written response.

4. Provide any further relief that the court deems appropriate given the extraordinary circumstances of this case.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

Petitioner, CHARLES DUSTIN MYERS, confirms that on 03/31/2025, a copy of this PETITIONER'S STATEMENT was served on the following party of record through their account registered under the Electronic Filing Manager pursuant to Rule 21a of the Texas Rules of Civil Procedure:

MORGAN MICHELLE MYERS, Respondent, at:

MORGANMW02@GMAIL.COM

A copy of the above pleading was also served to:

COOPERCARTER@MAJADMIN.COM

Respectfully submitted,

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

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.

Envelope ID: 99125522
Filing Code Description: Notice
Filing Description: Petitioner's Statement
Status as of 4/1/2025 3:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/1/2025 11:18:44 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	4/1/2025 11:18:44 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	4/1/2025 11:18:44 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/1/2025 11:18:44 AM	SENT



322-744263-23

**NOTICE OF
CONTINUED
OBSTRUCTION**

03.11.25

322-744263-23

FILED
TARRANT COUNTY
3/11/2025 2:23 PM
THOMAS A. WILDER
DISTRICT CLERK

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

Morgan Michelle Myers,

Petitioner,

v.

NOTICE OF CONTINUED
OBSTRUCTION

Charles Dustin Myers,

Respondent

AND IN THE INTEREST OF
M.E.M and C.R.M., two minor children

2025-03-11

TO THE 322ND DISTRICT COURT OF TARRANT COUNTY:

Respondent, CHARLES DUSTIN MYERS, a party to the above captioned case,
respectfully submits this notice in furtherance of the continued obstruction of justice taking place
within this matter, and in support thereof, shows the following:

I. FAILURE TO ACT

Court staff has unquestionably reviewed the motions, requests, and notices submitted and
accepted by the court, yet the following remain unaddressed by either the opposing party or the
court:

1. Motion for Partial Summary Judgment

1. **Envelope ID:** 84786327
2. **Date Filed:** February 22, 2024
3. **Date Reviewed:** February 22, 2024
4. **Status:** Unopposed, No Ruling

2. Rule 12 Motion to Show Authority

1. **Envelope ID:** 92285306
2. **Date Filed:** September 20, 2024
3. **Date Reviewed:** September 20, 2024
4. **Status:** Unopposed, No Ruling (Challenges Opposing Counsel's Legal Authority)

3. Emergency Motion for Temporary Orders

1. **Envelope ID:** 92510702
2. **Date Filed:** September 26, 2024
3. **Date Reviewed:** September 27, 2024
4. **Status:** Unopposed, No Ruling

4. Request for Oath of Office Records (Tex. Gov't Code §§ 25.0017-18)

1. **Envelope ID:** 94002696
2. **Date Filed:** November 6, 2024
3. **Date Reviewed:** November 6, 2024
4. **Status:** Unanswered by Court

5. Motion to Compel Discovery

1. **Envelope ID:** 94352460

2. **Date Filed:** November 15, 2024
 3. **Date Reviewed:** November 15, 2024
 4. **Status: Unopposed, No Ruling**
6. **Unopposed Motion to Dismiss for Lack of Jurisdiction**
 1. **Envelope ID:** 98154415
 2. **Date Filed:** March 6, 2025
 3. **Date Reviewed:** March 7, 2025
 4. **Status: Unopposed, No Ruling**
7. **Proposed Order on Unopposed Motion to Dismiss for Lack of Jurisdiction**
 1. **Envelope ID:** 98154415
 2. **Date Filed:** March 6, 2025
 3. **Date Reviewed:** March 7, 2025
 4. **Status: Unopposed, No Ruling**
8. **Notice of New Information**
 1. **Envelope ID:** 98096003
 2. **Date Filed:** March 5, 2025
 3. **Date Reviewed:** March 6, 2025
 4. **Status: No Response from Court**
9. **Request for Immediate Ruling**
 1. **Envelope ID:** 97927313
 2. **Date Filed:** February 28, 2025
 3. **Date Reviewed:** March 3, 2025
 4. **Status: No Response from Court**

10. Objection and Request for Judicial Notice

1. **Envelope ID:** 97716806
2. **Date Filed:** February 24, 2025
3. **Date Reviewed:** February 24, 2025
4. **Status:** No Response from Court

11. Motion to Sign Order

1. **Envelope ID:** 97615800
2. **Date Filed:** February 20, 2025
3. **Date Reviewed:** February 21, 2025
4. **Status:** Unopposed, No Ruling

12. Emergency Ex-Parte Motion

1. **Envelope ID:** 97158349
2. **Date Filed:** February 10, 2025
3. **Date Reviewed:** February 10, 2025
4. **Status:** Unopposed, No Ruling

13. Motion to Dismiss

1. **Envelope ID:** 96596367
2. **Date Filed:** January 24, 2025
3. **Date Reviewed:** January 27, 2025
4. **Status:** Unopposed, No Ruling

14. Notice of Loss of Employment

1. **Envelope ID:** 96466032
2. **Date Filed:** January 22, 2025

3. Date Reviewed: January 22, 2025

4. Status: No Acknowledgment by Court

15. Case Memo / Plea for Judicial Review

1. **Envelope ID:** 96151209
2. **Date Filed:** January 13, 2025
3. **Date Reviewed:** January 13, 2025

See Exhibit I.

II. LEGAL VIOLATIONS BY FAILURE TO RULE ON MOTIONS

1. Failure to Rule on Unopposed Motions Violates Texas Law

- A. Texas courts have a duty to **rule on properly filed motions within a reasonable time** (*In re Blakeney*, 254 S.W.3d 659 (Tex. App.—Texarkana 2008)).
- B. Courts **cannot ignore motions indefinitely**, especially **when they remain unopposed** (*In re Bonds*, 57 S.W.3d 456 (Tex. App.—San Antonio 2001)).

2. Due Process Violations (14th Amendment, U.S. Constitution; Article I, § 19, Texas Constitution)

- A. The Court's refusal to **issue rulings or set hearings deprives Respondent of due process rights**.
- B. The failure to act on **Rule 12 Motion to Show Authority** means opposing counsel **may be practicing unlawfully**, rendering all their filings void.

3. Failure to Act on Emergency Motions & Summary Judgment

- A. The Court's inaction on **emergency motions for custody and residence** is a **direct failure of its duty to prioritize the best interest of children** (Tex. Fam. Code § 153.002).
- B. **The Court has no discretion to ignore properly filed summary judgment motions**, especially when unopposed (Tex. R. Civ. P. 166a(c)). There is no genuine issue of material fact, and the Respondent is entitled to relief as a matter of law.

**III. CONTINUED SILENCE FROM OPPOSING PARTY DESPITE GLARING MISUSE
OF THE LEGAL SYSTEM**

1. The opposing party in this case has refused to prosecute for over four months.
2. The Petitioner in this case has unquestionably deceived this court into relying on false claims of indigency and false claims for protection.
3. The Respondent has filed over 4,700 pages of documents that have been ignored outright by the court, the opposing party, and court staff.
4. The Petitioner continues to neglect the children medically, continues to escape accountability for her egregious actions, and has offered no rebuttal or defense against any of the claims made against her.
5. The Respondent continues to suffer monetary damages each day this situation persists without resolution.
6. The court has been given ample information to justify an immediate ruling as required by law, yet the Respondent continues to be stonewalled.

7. The current temporary orders state all parties agree to the terms of the order, reference a hearing not found on the docket sheet, yet continue to remain in effect despite several pleas for correction being submitted and reviewed by court staff.

IV. CONCLUSION

Respondent reasserts that Texas Law prevents such scenarios such as what is occurring in this case from happening, yet it continues unaddressed. Respondent only asks of this court, the reviewing staff, and any reviewing judicial officer that Texas laws be followed, and that this situation be immediately corrected. The systemic abuse faced by the Respondent has damaged the children's well-being and permitted the Petitioner to continue to get away with her immoral actions that have placed fraud upon this court without consequence.

Respondent urges this court to make swift, corrective decisions that are warranted by setting immediately ruling upon the pending motions before it and granting the long overdue relief that is both necessary and justified.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

[REDACTED]

817-546-3693

PRO SE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this Notice of Continued Obstruction has been filed with the electronic filing manager and served on the parties of record on this 11th day of March, 2025, including:

COOPER L. CARTER, counsel for petitioner, at the email address

COOPERCARTER@MAJADMIN.COM

MORGAN MICHELLE MYERS, petitioner, at the email address

MORGANMW02@GMAIL.COM

HOLLY HAYES, intervenor, at the email address

csd-legal-914@oag.texas.gov

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

[REDACTED]

817-546-3693

PRO SE

EXHIBIT 1
CASE RECORDS SHOWING
FILINGS HAVE BEEN
REVIEWED

Envelope#	Status	Date Reviewed	Filing Title
98154415	Accepted	03/07/2025 09:21:18	UN-OPPOSED MOTION TO DISMISS FOR LACK OF JURISDICTION
98154415	Accepted	03/07/2025 09:21:18	ORDER ON UN-OPPOSED MOTION TO DISMISS FOR LACK OF JURISDICTION
98096003	Accepted	03/06/2025 09:21:30	Notice of New Information
97927313	Accepted	03/03/2025 09:15:37	Request for Immediate Ruling
97716806	Accepted	02/24/2025 01:58:32	Objection and Request for Judicial Notice
97615800	Accepted	02/21/2025 04:24:52	MOTION TO SIGN
97615800	Accepted	02/21/2025 04:24:52	Proposed order on Motion to Sign
97158349	Accepted	02/10/2025 03:24:13	EMERGENCY EX-PARTE MOTION
96596367	Accepted	01/27/2025 08:52:38	MOTION TO DISMISS
96466032	Accepted	01/22/2025 12:52:18	NOTICE OF LOSS OF EMPLOYMENT
96151209	Accepted	01/13/2025 04:29:58	CASE MEMO / PLEA FOR JUDICIAL REVIEW
95752784	Accepted	12/31/2024 02:44:34	Notice of Related Case
94808633	Accepted	12/02/2024 11:28:27	Notice of Removal to the Northern District of Texas
94352460	Accepted	11/15/2024 03:24:38	Motion to Compel Discovery
94352460	Accepted	11/15/2024 03:24:38	Proposed order to motion to compel discovery.
94247500	Accepted	11/14/2024 07:11:28	Notice of Intent to Remove
94129305	Accepted	11/14/2024 07:04:54	MOTION TO ENTER JUDGEMENT
94129305	Accepted	11/14/2024 07:04:54	Joint Motion to Recuse - Original unmodified version
94129305	Accepted	11/14/2024 07:04:54	Proposed Order
94002696	Accepted	11/06/2024 02:54:38	Request for oath of office records pursuant to Tex. Gov't Code
93873858	Accepted	11/04/2024 08:55:18	Pre-Trial Motion in Limine
93873858	Accepted	11/04/2024 08:55:18	PT Motion in Limine - Proposed Order
93024186	Accepted	10/10/2024 02:21:05 PM	
92989465	Accepted	10/10/2024 09:40:47	Notice
92846417	Accepted	10/07/2024 10:44:04	Joint Motion to Recuse
92536276	Accepted	09/27/2024 12:28:21	First Amended Motion for Temporary Orders
92510702	Accepted	09/27/2024 10:19:48	EM. MOTION FOR TEMPORARY ORDERS
92510702	Accepted	09/27/2024 10:19:48	Proposed order
92285306	Accepted	09/20/2024 04:32:40	RULE 12 MOTION TO SHOW AUTHORITY
92285306	Accepted	09/20/2024 04:32:40	ORDER ON RULE 12 MOTION
92242806	Served		Request for Discovery - Disclosures, Production, and Admissions
92037775	Accepted	09/16/2024 08:06:54	First Amended Motion for Rehearing
91870680	Accepted	09/11/2024 08:05:20	Motion for Rehearing on Petition for Writ of Mandamus
89507709	Accepted	07/05/2024 10:32:14	Second Amended Counterpetition for Divorce
89346219	Accepted	07/01/2024 08:10:48	Objection to Title-IV Intervention
89091273	Accepted	06/24/2024 11:30:32	MOTION FOR JOINDER OF PERSONS NEEDED FOR JUSTICE
88437727	Accepted	06/04/2024 04:24:28	NOTICE OF NEW INFORMATION
87744655	Accepted	05/15/2024 07:32:12	Notice
87683712	Accepted	05/13/2024 04:53:42	Petition for Review
87240622	Accepted	05/01/2024 09:43:22	Notice of Completion - Children in the Middle
87125461	Accepted	04/29/2024 08:29:13	Motion for En Banc Reconsideration
87125461	Accepted	04/29/2024 08:29:13	CERTIFIED APPENDIX
87035976	Accepted	04/25/2024 09:03:41	Objection to Motion for Pre-trial Conference
86982030	Accepted	04/24/2024 08:12:33	Supplemental Appendix
86818148	Accepted	04/18/2024 02:55:14	Emergency Motion for Rehearing, or, in the Alternative, Leave
86388287	Accepted	04/08/2024 10:37:08	PETITION FOR WRIT OF MANDAMUS AND CLERK'S RECOMMENDATION
86388287	Accepted	04/08/2024 10:37:08	MOTION FOR EMERGENCY RELIEF W/ PETITION OF MANDAMUS
86300241	Accepted	04/05/2024 06:17:14	FIRST AMENDED NOTICE OF FILING OF ORIGINAL PROCEEDING
86233566	Accepted	04/04/2024 07:25:22	NOTICE OF FILING ORIGINAL PROCEEDING AND MOTION TO DISMISS
85994064	Accepted	03/27/2024 07:23:02	Request for Findings of Fact and Conclusions of Law
85894466	Accepted	03/26/2024 09:00:11	Request for Clerk to Prepare Record

85891537	Accepted	03/26/2024 07:11:16	Second Amended Notice of Judicial Review
85882470	Accepted	03/26/2024 07:02:57	First Amended Notice of Judicial Review
85801376	Accepted	03/21/2024 01:07:46	Notice of Judicial Review
85268609	Accepted	03/07/2024 01:32:26	Writ of Re-Entry//FV
85164173	Accepted	03/04/2024 02:35:46	Respondent's Required Initial Disclosures
85135431	Accepted	03/04/2024 09:02:26	Notice / Unsworn Declaration
84786327	Accepted	02/22/2024 11:58:36	Motion for Partial Summary Judgement
84786327	Accepted	02/22/2024 11:58:36	Proposed Order for the Motion for Partial Summary Judgement
84529722	Accepted	02/15/2024 10:45:37	RESPONDENT'S ANSWER TO PETITIONER'S FIRST AMENDED PETITION
84359156	Accepted	02/09/2024 04:25:56	EMERGENCY MOTION TO RECONSIDER EVIDENCE AND
84172349	Accepted	02/06/2024 04:09:27	Notice of Change in Legal Representation in Case No. 322-74
83461559	Accepted	01/17/2024 09:10:36	Contestation of Divorce Petition - Counter Petition
83182461	Accepted	01/08/2024 03:15:56	ORDER OF DISMISSAL//PENDING PROCESSING//FV
83155607	Accepted	01/08/2024 10:32:57	BY DEFN PRO SE//NO ORDER ATTACHED//SET FOR 01.17.24
83152990	Accepted	01/08/2024 12:30:26	Motion of Continuance
83059711	Accepted	01/04/2024 11:36:26	Motion to Consolidate
82998767	Accepted	01/02/2024 04:13:31	Answer to Protective Order
82977358	Accepted	01/02/2024 07:40:21	EFILED BY DEFN/ PRO SE/ WITH EXHIBITS// MDF

EEDING AND MOTION FOR EMERGENCY TEMPORARY RELIEF

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.

Envelope ID: 98325035

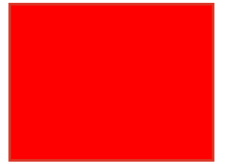
Filing Code Description: Notice

Filing Description: Notice of Continued Obstruction

Status as of 3/12/2025 1:11 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/11/2025 2:23:42 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/11/2025 2:23:42 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	3/11/2025 2:23:42 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/11/2025 2:23:42 PM	SENT



322-744263-23

**NOTICE OF
SUBMISSION**

03.14.25

322-744263-23

FILED
TARRANT COUNTY
3/14/2025 1:21 PM
THOMAS A. WILDER
DISTRICT CLERK

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

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

AND IN THE INTEREST OF
M.E.M and C.R.M., two minor children

2025-03-14

NOTICE OF SUBMISSION

TO THE HONORABLE COURT:

Notwithstanding the procedural pitfalls of this case, Respondent, CHARLES DUSTIN MYERS, requests the court to take judicial notice of the following undisputed facts and grant summary judgment in his favor without delay.

Given the case's procedural status, this notice alongside the Summary Judgment and proposed order should be forwarded immediately to Daivd L. Evans. Respondent is entitled to relief as a matter of law for the foregoing reasons:

I. INTRODUCTION

1. On December 14th, 2023, Morgan Michelle Myers, Petitioner in this matter, requested an emergency ex-parte order of protection from this court claiming an emergency was present.

2. On December 15th, 2023, Morgan Michelle Myers took \$1,576 from the marital estate and transferred it to a third party, Dan Branthoover, to conceal its' final destination and to prevent Respondent from accessing the marital funds.

Virtual Wallet Spend Statement

For 24-hour information, sign on to PNC Bank Online Banking: on.pnc.com

Account Number: [REDACTED] - continued

For the period: 12/02/2023 to 01/02/2024
 CHARLES MYERS
 Primary account number: [REDACTED]-8826
 Page 4 of 6

Banking/Debit Card Withdrawals and Purchases - continued

Date	Amount	Description
12/15	1.33	3117 Debit Card Purchase Paypal *dkb575
12/18	1,576.00	3117 Debit Card Purchase Paypal *Dmb575
12/18	10.65	3117 Recurring Debit Card Microsoft*Xbox Game P

3. On December 17th, 2023, while in Oklahoma, the Petitioner instigated an eviction proceeding by having her grandmother serve the Respondent with an eviction notice stating the following grounds for eviction:

- i. Granddaughter getting divorced.
- ii. Protective order filed.
- iii. He must leave, she and the children must stay.

for eviction of Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is:

6641 Anne Ct. Watauga TX 76148

Street Address Unit No. (if any) City State Zip

GROUND FOR EVICTION: Plaintiff alleges the following grounds for eviction:

- ☐ **Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): _____. The amount of rent claimed as of the date of filing is: _____. Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.
- ☒ **Other lease violations.** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: _____
- Morgan Myers has filed with the court for divorce from Charles Myers.
Morgan Myers has also filed a protective order against Charles Myers with the court.
Morgan Myers and the children will be allowed to stay at the property.
- ☐ **Holdover.** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or renewal of extension period, which was the _____ day of _____.

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on the 17th day of December, 2023 by this method:
Hand delivered to Charles Myers

SUIT FOR RENT: Plaintiff ☐ does or ☒ does not include a suit for unpaid rent.

ATTORNEY'S FEES: Plaintiff ☐ will be or ☒ will not be seeking applicable attorney's fees. The attorney's name, address, phone and fax numbers are: _____



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TE
BY: /s/ Catherine Saenz

3. The eviction notice referenced a Protective Order that wasn't filed until December 22nd, 2023, showing clear collaboration and planning regarding the narrative for protection.

4. On December 18th, 2023, Petitioner filed for divorce, filed a statement of inability to afford court costs, and claimed that the case was uncontested. Despite claiming in the Petition that she had sought an emergency ex-parte order of

protection on December 14th, 2023, she also claimed that an active order of protection already was in effect against Respondent.

9B. Pending Protective Order

- ☒ I have filed paperwork at the courthouse asking for a protective order against my spouse, but a judge has not decided if I should get it. I asked for a protective order on 12/14/2023
Date Filed
 in Tarrant County, Texas. The cause number is _____
County State Cause Number
 If I get a protective order, I will file a copy of it before any hearings in this divorce.
- ☐ My spouse has filed paperwork asking for a protective order against me, but a judge has not decided if my spouse will get it. My spouse asked for a protective order on _____
Date Filed
 in _____ County, _____. The cause number is _____
County State Cause Number
 If my spouse gets a protective order, I will file a copy of it before any hearings in this divorce.

9C. Protective Order in Place

- ☐ I do have a protective order against my spouse. I got the protective order in _____ County, _____ State on _____
County State Date Ordered
 The cause number for the protective order is _____
Cause Number
 Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.
- ☐ My spouse does have a protective order against me. The protective order was made in _____ County, _____ State on _____
County State Date Ordered
 The cause number for the protective order is _____
Cause Number
 Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

10. Waiver of Waiting Period Based on Family Violence (Check only if applicable.)

- ☒ I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)
- ☐ My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
- ☒ I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.



A CERTIFIED COPY
 ATTEST: 04/16/2024
 THOMAS A. VALDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 BY: /s/ Catherine Sandoz

5. Further, notwithstanding the fabricated active protective order, Petitioner's deception went further when she fraudulently submitted her affidavit of inability to pay court fees when she claimed to be responsible for the 2023 MAZDA CX-5 payments, rent payments for the residence located at [REDACTED], and misrepresented her financial status regarding available funds in her checking account.

6. What is the value of your assets or property? ¿Cuál es el valor de sus bienes o propiedades?	
My property includes: Mis bienes Incluyen:	Value / Valor The value is the amount the item would sell for less the amount you still owe on it, if anything. El valor de sus bienes es la cantidad por la que la propiedad o pertenencia se vendería, menos el monto que aún se adeuda, si lo hubiera.
➤ Cash Dinero en efectivo	\$ 0
➤ Bank accounts, other financial assets Cuentas bancarias, otros bienes financieros	
CHASE BANK	\$ 21.00
	\$
	\$
➤ Cars and boats (make and year) Automóviles, lanchas (modelo y año)	
MAZDA CX5 2023	\$ 451.00 / MONTH
	\$
	c

5. Since late 2021, the Respondent had made timely rent payments to Margie Wilson, the undersigned in the eviction suit, as evidenced below.

Time	Transaction ID	Amount
Mar 6, 2024, 6:24 AM	B.F838-4AD8-299D-A754	1,000.00
Mar 1, 2024, 6:23 PM	B.397E-D5A0-1447-5269	800.00
Feb 1, 2024, 10:35 AM	B.D5FF-4E63-A729-3538	800.00
Jan 1, 2024, 1:39 PM	B.2919-114A-3B1A-867C	500.00
Jan 1, 2024, 7:21 AM	B.72F8-B8B5-6E06-BBEA	800.00
Dec 3, 2023, 6:35 PM	B.E493-17A2-F32E-1A61	800.00
Dec 3, 2023, 2:42 AM	B.7F3D-B8A3-029E-EA2E	800.00
Oct 3, 2023, 8:10 AM	B.4667-8346-2080-6A01	800.00
Oct 1, 2023, 10:15 AM	B.95FD-F5F1-D0C0-EBB5	800.00
Sep 1, 2023, 11:59 AM	B.F434-CEDD-265B-D08D	800.00
Sep 1, 2023, 8:40 AM	B.26A3-87A4-19DF-6195	60.00
Aug 27, 2023, 10:54 AM	B.416D-E2EE-7296-5EDE	40.00
Aug 22, 2023, 12:19 PM	B.C6C2-BFFB-3E53-B8DA	40.00
Aug 1, 2023, 2:57 PM	B.5717-2883-FEE4-DD45	800.00
Jul 1, 2023, 1:35 PM	B.2467-3EE2-33DE-4124	800.00
Jun 29, 2023, 12:15 AM	B.FF21-A34D-E1E7-2A22	100.00
Jun 24, 2023, 6:16 AM	B.A94E-2B54-D61F-2697	60.00
Jun 20, 2023, 9:11 AM	B.E11D-2223-3858-EA1F	40.00
Jun 14, 2023, 7:10 PM	B.018D-EE3A-D26B-D2EB	800.00
Jun 1, 2023, 3:32 PM	B.8C04-4082-F2F8-77C5	800.00
May 8, 2023, 12:34 PM	B.9FC7-47F9-038C-532B	800.00
May 8, 2023, 12:30 PM	B.6E24-85CB-4B44-7AB7	800.00
May 5, 2023, 6:00 PM	B.FC35-DAA0-F22D-746E	800.00
May 1, 2023, 12:48 PM	B.43D2-A5D2-0775-EE4D	800.00
Apr 1, 2023, 8:15 PM	B.C3D6-A2E1-3EDF-1339	800.00

5. Rent was paid by the Respondent leading up to the day of his unlawful lockout by the Petitioner which occurred on March 6, 2024, when she ran inside the home while Respondent was walking the children to school.

II. THE CURRENT ORDERS

6. On February 1st, 2024, the parties entered into an agreement which was signed as to form and substance by both parties through their attorneys of record.

7. As part of the agreement, the following provisions were ordered:

A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Bacalis.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.

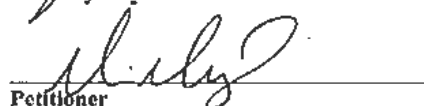
AGREED AS TO FORM AND SUBSTANCE



Attorney for Petitioner



Attorney for Respondent



Petitioner



Respondent

SO, ORDERED:



377ND Associate Judge

8. Immediately after signing the above agreement, the Respondent strategically terminated his legal representation due to the absurdity of settling and allowing the Petitioner to leverage her claims.

9. Most disturbing is that this settlement agreement permitted the Petitioner to *remove her children from their own home for an entire month* – a clear disregard for their well being – *and the court signed off on this*.

10. Further, this agreement was challenged via a motion to reconsider which was denied on March 14th, 2024, but Judge Kaitcer.

11. To date, no findings of fact or conclusions of law have been issued regarding this ruling despite notifying the court that they are past-due.

12. At the hearing on March 14th, 2024, the docket reflects only the Respondent appearing before the court.

13. Just prior to the hearing, Respondent was served the current orders by COOPER L. CARTER, not DAN BACALIS, just minutes before the hearing was to commence that was filed to challenge them.

14. Despite the agreement stating that a typed written order *shall* be prepared by Dan Bacalis, despite the 20 day time limit, and despite the five day review period that all parties and Judge Kaitcer agreed to - the orders were permitted to be prepared at the last minute by COOPER L. CARTER, well after the 20-day deadline, and despite the Respondent's consent not being present, he was ordered to sign the agreement in violation of Texas Law by 1:30 P.M. that same day.

322ND FAMILY DISTRICT COURT
 322-744263-23
 ASSOCIATE JUDGE'S REPORT
 FOR TEMPORARY ORDERS

FILED
 TARRANT COUNTY
 3/26/2024 3:19 PM
 THOMAS A. WILDER
 DISTRICT CLERK

CAUSE NUMBER: 322 - 744263-23

IT MOTION/IN RE/TIO

<u>Myers</u>	§	IN THE DISTRICT COURT
_____	§	TARRANT COUNTY, TEXAS
_____	§	322 ND JUDICIAL DISTRICT

1. IT is ordered that Movant's motion for to vacate is denied.
2. It is ordered that Movant shall provide Mrs. ^{Myers'} ~~Myers'~~ attorney with a list of the technology he needs from the marital home, for his business.
3. It is ordered that the parties shall present a the Temporary Orders ~~by~~ regarding the ACR ^{signed} ~~filed~~ on 2/11/2024 by 1:30pm today.

15. The above order clearly shows two distinct handwritings – one from COOPER L. CARTER, and one from Judge Kaitcer – ‘for his business’ – showing a pre-determined outcome.

III. CONCLUSION

16. There is no doubt that this matter is filled with deception and unethical practices. The Petitioner, in an effort to conceal her marital affair, had no problem taking her own children out of their home, falsifying her financial status after converting funds from the marital estate with the assistance of a third party,

claiming financial responsibility over property paid for by the Respondent, fabricating the existence of protective orders, instigating frivolous eviction suits, and falsifying the need for protection.

17. On December 22, 2023, Petitioner filed for a protective order despite already claiming to have one in effect in her original petition for divorce, yet text evidence clearly shows the Petitioner at home with Respondent on this same day – showing no need of protection as they continued to cohabit up until January 16th, 2024.

18. There exists no legal basis for the court's continued stonewalling.

19. Therefore, continued disregard for the well-being of the Children and Respondent's rights must cease.

20. Issue relief by granting summary judgment in Respondent's favor without delay.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

PRO-SE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this NOTICE OF SUBMISSION has been filed with the electronic filing manager and served on the parties of record on this 14th day of March 2025, including:

COOPER L. CARTER, counsel for petitioner, at the email address

COOPERCARTER@MAJADMIN.COM

MORGAN MICHELLE MYERS, petitioner, at the email address

MORGANMW02@GMAIL.COM

HOLLY HAYES, intervenor, at the email address

csd-legal-914@oag.texas.gov

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

[REDACTED]

817-546-3693

PRO SE

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.

Envelope ID: 98476436

Filing Code Description: Notice

Filing Description: NOTICE OF SUBMISSION

Status as of 3/17/2025 8:14 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/14/2025 1:21:50 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/14/2025 1:21:50 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	3/14/2025 1:21:50 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/14/2025 1:21:50 PM	SENT



233-765358-25
MOTION TO STRIKE
RESPONDENT'S
ANSWER AND MOTION TO
CONSOLIDATE

03.20.25

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 9:55 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-30

**MOTION TO STRIKE RESPONDENT'S
ANSWER AND MOTION TO
CONSOLIDATE****TO THE HONORABLE 233rd DISTRICT COURT:**

Petitioner, CHARLES DUSTIN MYERS, respectfully submits this motion to strike Respondent's answer and motion to consolidate, and in support thereof, would show the court the following:

I. STATEMENT OF FACTS

1. On March 20, 2025, Respondent, MORGAN MICHELLE MYERS, filed an answer entering a general denial for the claims made against her and a motion to consolidate.

2. The response alleges that it was necessary for the Respondent to acquire the services of Cooper L. Carter.

3. The Respondent's answer and motion to consolidate were filed on Cooper Carter's behalf by Roderick D. Marx, a party not named in either this suit or the related divorce suit (322-744263-23).

4. Roderick D. Marx has filed all pleadings on Cooper Carter's behalf because Cooper Carter's electronic filing manager credentials are registered under the law firm Cantey and Hangar, LLP. See Exhibit 1.

5. Respondent's answer and motion to consolidate are an attempt to subvert the relief the children desperately need, and failed to argue as to how these pleadings are in the best interests of the children.

A. Sudden Activity after Months of Delay

6. Respondent's Answer asserts the existence of a prior divorce case (Cause No. 322-744263-23) involving the parties as a basis to delay or abate this Suit Affecting Parent-Child Relationship (SAPCR). However, that divorce case has been stalled for months with no meaningful action by Respondent or her alleged counsel. Respondent's counsel has failed to diligently prosecute the divorce matter, and a dormant case cannot justify stalling this separate SAPCR proceeding. In short, the children's issues should not be put on hold due to an unrelated divorce case that remains inactive.

B. SAPCR Suit Focus (Lack of Child-Related Response)

7. This SAPCR is focused on the welfare and best interests of the children, yet the Respondent's Original Answer is devoid of any substantive response regarding the children. Respondent merely states that the information required under Texas Family Code §§154.181(b) and 154.1815 "will be provided at a later date" and then enters a general denial. No specific

conservatorship, support, or visitation issues are addressed at all. By failing to engage with the core child-related allegations in the Petition, Respondent's Answer is irrelevant to the central issues of this proceeding and provides the Court with nothing of substance on the SAPCR matters.

8. Respondent's Answer claims that it was "necessary for Respondent to secure the services of COOPER L. CARTER, a licensed attorney, to prepare and defend this suit". Yet the pleading was filed under the letterhead of **Marx, Altman & Johnson** (Attorney Roderick D. Marx's firm) and is electronically signed by Cooper L. Carter as "Attorney for Respondent". This inconsistency creates confusion as to who represents Respondent in this case. Texas practice expects clarity in counsel of record (see Tex. R. Civ. P. 8 requiring designation of lead counsel), but here Respondent's Answer sends mixed signals by invoking Mr. Carter's name and services while being filed through Mr. Marx's firm. Such a contradiction in representation is procedurally improper and fails to clearly identify the attorney in charge of Respondent's case.

9. In addition to the above, there are irregularities in the manner Respondent's Answer was filed. Upon information and belief, the Answer was submitted via an Electronic Filing Manager (EFM) account registered to Cooper L. Carter under the law firm **Cantey & Hanger**, which is not the firm appearing on the pleading. In other words, the electronic filing credentials used do not match the law firm or attorney officially listed on the document. This raises serious concerns about the validity of the filing and compliance with Texas e-filing rules (see Tex. R. Civ. P. 21(f)). Filings must be made by the attorney of record under their proper account for transparency and proper notice. Using an EFM account associated with a different firm (Cantey & Hanger) for a pleading filed under Marx, Altman & Johnson's banner is a procedural anomaly that calls into question whether Respondent's Answer was filed in accordance with the required

procedures. Further, the email address COOPERCARTER@MAJADMIN.COM associated with the pleadings filed in this court is **NOT** registered under the EFM in which they were filed.

10. **Texas Rule of Civil Procedure 21(f) requires that electronic filings be made through an authorized EFM account corresponding to the attorney of record.** The use of an account registered under one firm (Cantey & Hanger) to file pleadings under a different firm's name (Marx, Altman & Johnson) constitutes a procedural violation, undermining the validity of the filing and raising concerns about whether the attorney of record actually authorized or executed the filing.

11. This discrepancy calls into question the **legitimacy of Respondent's Answer** and warrants immediate review by the Court. Given the attorney filing the document **did not use their own credentials under which the pleading was submitted**, yet claimed her individual services were necessary, renders the filing as **procedurally defective and should be struck from the record** *sua sponte*.

PRAYER FOR RELIEF

12. Petitioner respectfully requests that the Court strike Respondent's Original Answer and motion to consolidate in its entirety *sua sponte*. Petitioner further requests that Respondent be required to refile any answer or responsive pleading in compliance with all applicable procedural rules – including proper attorney-of-record designation and use of correct electronic filing credentials – and to ensure that any such pleading addresses the substantive SAPCR issues regarding the children. Petitioner also prays for such other and further relief, at law or in equity, to which he may be justly entitled.

13. **WHEREFORE, PREMISES CONSIDERED**, Petitioner respectfully requests that the Court strike Respondent's Original Answer and Motion to Consolidate in its entirety as

procedurally deficient. Petitioner further requests that Respondent be required to refile any answer or responsive pleading in compliance with all applicable procedural rules – including proper attorney-of-record designation and use of correct electronic filing credentials – and to ensure that any such pleading addresses the substantive SAPCR issues regarding the children. Petitioner also prays for such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,


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

PRO-SE

EXHIBIT 1

Improper EFM registration

Public Service Contact List

First Name

COOPER

Last Name

CARTER

Email Address

Firm Name

Search

Cooper Carter

ccarter@canteyhanger.com

Rows per page:

10

1-1 of 1

<

>

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this Motion to Strike Respondent's Answer and Motion to Consolidate has been filed with the electronic filing manager and served on the parties of record on this 20th day of March 2025, including:

MORGAN MICHELLE MYERS, RESPONDENT

Via her email registered under the EFM: MORGANMW02@GMAIL.COM

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

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.

Envelope ID: 98676933
Filing Code Description: Motion (No Fee)
Filing Description: Motion to Strike
Status as of 3/21/2025 8:47 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 9:55:21 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 9:55:21 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 9:55:21 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 9:55:21 AM	SENT



233-765358-25

**EMERGENCY EX-PARTE
MOTION TO DECLARE
JUDGMENT VOID AB
INITIO AND FOR
IMMEDIATE RE-ENTRY**

03.20.25

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 12:18 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., C.R.M.,******CHARLES DUSTIN MYERS, ****

Petitioner,

Vs.

MORGAN MICHELLE MYERS,

Respondent.

EMERGENCY EX-PARTE MOTION TO
DECLARE JUDGMENT VOID AB INITIO
AND FOR IMMEDIATE RE-ENTRY

2025-03-20

TO THE HONORABLE JUDGE OF THE 233RD DISTRICT COURT:

1. For the preceding twelve months and fourteen days, Petitioner has been unlawfully Barred from entering his residence and has been cut out of his children's lives. On March 6th, 2024, while walking M.E.M and C.R.M. to school, Respondent unlawfully locked the Petitioner out of the matrimonial home and called the Watauga police department who came to assist in the dispute. When on scene at [REDACTED], Respondent produced an agreed associate judge's report where consent had been withdrawn and used it as a means to bar the Petitioner's entry to the home. With an emergency hearing date set for March 14th, 2024, the Petitioner took the advice of the officers and stayed with his father temporarily in Flower Mound, Texas to avoid unnecessary conflict.

2. On March 14th, 2024, the Petitioner appeared in person and was served a reduced copy of the orders he was in court to challenge and from which he withdrew his consent from. Despite

this, the orders were rendered anyway, effectively barring the Petitioner from his own home and Children's lives despite his consent not being present at the time of rendition.

3. The orders in question, attached hereto as **EXHIBIT 1**, are facially void and lack legal effect. Despite this, they continue to cause ongoing and irreparable harm, as further detailed below. Accordingly, Petitioner respectfully requests that this Court issue a declaratory judgment formally recognizing the invalidity of these orders which will simultaneously provide long-overdue relief to the children in this matter. In support of this request, the Petitioner shows as follows:

I. STATEMENT OF FACTS

4. On page 1 of the orders, they read as follows: *"The parties have agreed to the terms of this order as evidenced by the signatures below."*

5. On the final page of the orders, the signatures of CHARLES DUSTIN MYERS and his previous attorney, DAN BACALIS, are not present on the document.

6. The Petitioner refused to sign the orders to which he did not consent to on March 14th, 2024.

7. The orders were rendered on March 26th, 2024, as an agreement between the parties despite consent not being present at the time of rendition.

8. The orders are void ab initio and have no legal effect.

II. ARGUMENT

A. An "Agreed" Order Without Actual Consent is Void Ab Initio

9. Texas law is unequivocal that a judgment purporting to rest on an agreement of the parties cannot be rendered or enforced if one of the parties did not genuinely consent at the time of rendition. The consent of all parties at the time the court renders judgment is a prerequisite for

a valid agreed order. As the Texas Supreme Court has stated, **a trial court cannot render a valid agreed judgment absent the consent of the parties at the time it is rendered**, and the agreement can be revoked at any time before judgment is rendered on the agreement. *S & A Restaurant Corp. v. Leal*, 892 S.W.2d 855, 857 (Tex.1995). This is so because a trial court cannot render a valid agreed judgment absent the consent of the parties at the time it is rendered. *Padilla v. LaFrance*, 907 S.W.2d 454, 461 (Tex.1995).

10. In *S&A Restaurant Corp. v. Leal*, the Court reaffirmed that a party may revoke consent to a settlement at any time before judgment is rendered, and if a court nonetheless signs a judgment after consent has been revoked, “a judgment rendered after one party revokes his consent is **void**.” This rule reflects a fundamental principle: **true consent** is the linchpin of any agreed order.

11. Here, Petitioner never consented to the order at the time they were entered. Indeed, his missing signature is a prima facie showing of this fact. Under these circumstances, it was **error for the Court to sign the order as an “agreed” judgment**, and the result is that the order is void ab initio. The Texas Supreme Court’s decision in *Quintero v. Jim Walter Homes, Inc.*, 654 S.W.2d 442 (Tex. 1983) is directly on point. In *Quintero*, the Court held that when a trial court has knowledge that one party does not consent to a judgment, the court “**should refuse to sanction [the] agreement by making it the judgment of the court.**” *Id.* By entering an order in the absence of Petitioner’s consent, the agreed judgment in this case was not just voidable—it is **absolutely void from inception**. In legal effect, there never was a valid temporary order at all, because the requisite meeting of the minds was absent.

12. Texas courts of appeals have applied these principles in situations analogous to Petitioner’s, particularly in family law cases. For example, in *In re E.B.*, No. 12-17-00214-CV

(Tex. App.—Tyler Oct. 18, 2017), the trial court had entered temporary orders incorporating a Rule 11 settlement agreement regarding conservatorship and possession of children. The father, however, had timely revoked his consent to that agreement. The Tyler Court of Appeals held that because the father withdrew consent before judgment, the agreed terms regarding conservatorship and possession were **void**. The appellate court unequivocally stated that the provisions of the temporary orders involving the children “**are void, and the trial court abused its discretion in entering temporary orders based on the [purported] Agreement.**” The court conditionally granted mandamus and directed the trial judge to vacate those portions of the temporary order.

B. A Void Judgment is a Nullity and Can Be Challenged or Vacated at Any Time

13. Because the temporary orders were entered without jurisdiction (i.e. without consent jurisdiction conferred by the parties’ agreement), the resulting “agreed” order is void. Under Texas law, a void judgment or order has no legal force or effect from the outset. It is “null” ab initio, and any person or court affected by it is entitled to treat it as a nullity. The Texas Supreme Court has explained that a void order is, in effect, no order at all: “[A] void judgment is a legal nullity” *Alanis v. Barclays Capital Real Estate Inc.*, No. 04-17-00069-CV (Tex. App. Mar. 27, 2017).

14. Such a judgment may be collaterally attacked and set aside at any time, as it is not subject to ordinary procedural bars. **Browning v. Placke**, 698 S.W.2d 362 (Tex. 1985) (per curiam), is instructive on this point. In *Browning*, the Supreme Court recognized that courts of equal jurisdiction have the authority to declare a judgment void when it suffers from a fundamental defect (such as lack of jurisdiction or lack of consent). Here, this is a direct fit with the present situation.

C. Respondent's most recent attempt to subvert the process

15. On March 20th, 2025, Respondent filed an original answer and motion to consolidate through COOPER L. CARTER, which was prepared by RODERICK MARX. These filings are a direct showing of the Respondent's game. She remains silent for months, and then at the first sign of her false narrative being under attack, she unleashes her attorney to file pleadings using the EFM Credentials of another individual not named in the suit – Roderick Marx – to prevent the relief duly entitled to Petitioner.

16. Petitioner reminds this court that Respondent's answer is clearly a boilerplate response template that doesn't even address the core issues raised in the SAPCR. The first lines of the Response claim that Respondent has no driver's license or social security number, which shows the rushed nature of her pleading in an attempt to defend the Respondent's false narrative she has procured through fraud.

17. Petitioner also points out that the Respondent wants to consolidate this matter with the divorce matter that is procedurally defunct, which would not be in the best interests of the children because it would move the matter back to the procedurally stalled case that hasn't been prosecuted by the same attorney who is requesting consolidation. Such would defeat the entire purpose of this suit, and would cause undue delay and prejudice the children and Petitioner.

D. Request for immediate re-entry.

18. Given the orders in question are facially void, Petitioner requests an immediate notice to be filed and served on the parties of record so that he may return home to his children, residence, and place of business until this matter can be set for a hearing. Petitioner's unlawful exclusion from his residence creates further harm to the children each day it is left unaddressed.

19. Petitioner reiterates that his immediate return is in line with Texas Public Policy, nobody has argued against his relief sought, and this court has the discretion to issue temporary orders and dispense without the necessity of a bond or verified pleading pursuant to TEX. FAM. CODE. 105.001.

20. Preventing a father from accessing his home which is needed for financial stability will continue to cause monetary and emotional damage to the children until resolved.

PRAYER FOR EXPEDITED RELIEF

WHEREFORE, promises considered, Petitioner respectfully request of this court without delay:

1. To declare the orders attached as Exhibit 1 *void ab initio* and issue findings permitting the Petitioner to return home to [REDACTED] [REDACTED] immediately for the orders lacking consent of all parties at the time of rendition and for not bearing the Petitioner's signature.
2. To serve on all parties of record confirmation that the orders are without legal effect.
3. Enforce the Texas Rules of Civil Procedure and prevent Cooper L. Carter from representing the Respondent in this matter until she can conform to electronic filing requirements and strike her pleadings outright.
4. Any further relief that the court deems just and equitable.
5. Given the extraordinary circumstances, set this motion for hearing at the earliest possible time, to be conducted via zoom if possible for judicial efficiency given the Petitioner's financial strain caused by this situation.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

[REDACTED]

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

PRO-SE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this EMERGENCY EX-PARTE MOTION TO DECLARE JUDGMENT VOID AB INITIO AND FOR IMMEDIATE RE-ENTRY has been filed with the electronic filing manager and served on the parties of record on this 20th day of March 2025, including:

MORGAN MICHELLE MYERS, RESPONDENT

Via her email registered under the EFM: MORGANMW02@GMAIL.COM

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

[REDACTED]

PRO-SE

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.

Envelope ID: 85983756
Filing Code Description: No Fee Documents
Filing Description:
Status as of 3/27/2024 7:40 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT



322-744263-23

**COMPREHENSIVE
LEGAL ANALYSIS IN
SUPPORT OF
DISMISSAL**

04.04.25

322-744263-23

FILED
TARRANT COUNTY
4/4/2025 9:12 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 322-744263-23

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

<p>ITMOMO <i>(AITIO M.E.M., C.R.M., two children)</i> MORGAN MICHELLE MYERS</p> <p>Petitioner,</p> <p>CHARLES DUSTIN MYERS,</p> <p>Respondent.</p> <p>2025-04-04</p>

RESPONDENT’S COMPREHENSIVE
LEGAL ANALYSIS IN FAVOR OF
DISMISSAL

**TO THE HONORABLE JUDGE OF THE 322ND DISTRICT COURT OF TARRANT
COUNTY:**

EXECUTIVE SUMMARY

This legal analysis examines the case of Charles Dustin Myers ("Respondent") against Morgan Michelle Myers ("Petitioner") and her attorney Cooper L. Carter. Based on thorough research of Texas law and the facts presented, there are multiple compelling legal grounds supporting the Respondent's entitlement to relief for his children and establishing attorney misconduct by Ms. Carter. This summary was prepared by CHARLES DUSTIN MYERS, who is of sound mind and attests to the validity of all claims, accusations, and statements herein as true to the best of his knowledge under penalty of perjury.

The analysis concludes that:

1. The divorce case should be dismissed for want of prosecution due to Petitioner's failure to advance the case for nearly a year
2. The current orders are void due to lack of consent and improper adoption by the referring court
3. The 322nd District Court never acquired continuing exclusive jurisdiction over the children
4. The new SAPCR was properly filed as an original proceeding and should not be consolidated, especially considering no motion to transfer has been filed.
5. Ms. Carter's pleadings should be stricken due to her failure to respond to a Rule 12 challenge
6. The children's best interests require immediate relief without further procedural delays

I. FACTUAL BACKGROUND

A. Procedural History

1. December 18, 2023: Divorce case filed in 322nd District Court with 60-day waiver.
2. February 6, 2024: Respondent filed emergency motion challenging basis for agreement.
3. March 14, 2024: Respondent's motion was denied, basis for agreement became temporary orders.
4. April 8, 2024: Respondent sought relief in the Second Court of Appeals via Mandamus.
5. April 10, 2025: Respondent was denied mandamus, he moved for rehearing.

6. April 24, 2024: Cooper L. Carter filed Motion for Pre-Trial Conference.
7. May 13, 2024: Second Court of Appeals denied rehearing, Respondent appealed to the Texas Supreme Court.
8. June 2024: Texas Attorney General attempted to intervene.
9. September 2024: Supreme Court of Texas denied relief.
10. September 17, 2024: Respondent served a request for discovery and admissions on Petitioner .
11. September 20, 2024: Respondent filed Rule 12 motion challenging Carter's authority.
12. October 7, 2024: Respondent moved to recuse judges after the case continued to stall and un-opposed emergency relief remained unadjudicated.
13. November 7, 2024: Recusal denied.
14. December 4, 2024: Respondent removed case to Northern District of Texas.
15. December 6, 2024: Case remanded to state court, placing the obligation of Rule 237a of the Texas Rules of Civil Procedure on COOPER L. CARTER, which remains unsatisfied.
16. March 2025: Respondent filed new SAPCR in 233rd District Court seeking emergency relief for the children.
17. March 28, 2025: Respondent appeared for TRO hearing that was not heard due Cooper Carter's improper interference.
18. April 2, 2025: Respondent pre-objected to consolidation.

19. April 4, 2025: Cooper L. Carter attempting to present consolidation motion without any reference to the objection, EX-PARTE, and without conferring with Respondent .

B. Harm to Children

1. Children subjected to psychological manipulation and medical neglect by Petitioner
2. Children left home alone at night without supervision
3. Children removed from Respondent's care and placed with elderly great-grandparents
4. Children being gaslighted by Petitioner into false belief that divorce is finalized
5. Eldest child's academic performance has plummeted
6. Children emotionally estranged from both parents
7. Respondent unlawfully locked out of family home on March 6, 2024
8. Respondent prevented from accessing home and caring for children
9. Respondent's business has been significantly damaged due to Petitioner's deception and the children's financial future has been crippled

C. Attorney Misconduct

1. Cooper L. Carter has failed to prosecute the case since April 24, 2024.
2. No substantive action has been taken for approximately 11 months.
3. Failed to respond to discovery requests, resulting in deemed admissions.
4. Failed to comply with Rule 237a after federal remand.
5. Failed to respond to Rule 12 challenge to authority.

6. Several exhibits have been provided, conclusively establishing the claims herein without response.
7. Has not communicated or responded in any manner throughout the litigation.
8. E-filing account registered under prior employer's email address.
9. Not properly registered for e-filing notifications.
10. Has an individual not named in the suit file pleadings on her behalf.
11. Claims to have been retained in her individual capacity yet there are multiple people claiming to represent Petitioner in this matter.
12. Lacks current working phone number or email on file with State Bar.
13. Reappeared only to block emergency relief in new proceedings in violation of Due Process.
14. Never filed substantive response to any of Respondent's claims and continues to ask favors from the bench.

II. LEGAL ANALYSIS

A. Dismissal for Want of Prosecution

Legal Framework

1. Texas courts have authority to dismiss cases for want of prosecution under both Texas Rule of Civil Procedure 165a and the court's inherent power to manage its docket. The Texas Supreme Court recognized both bases for dismissal in *Villarreal v. San Antonio Truck & Equipment*, 994 S.W.2d 628 (Tex. 1999).

2. A party seeking affirmative relief has a duty to prosecute the case with due diligence. As stated in *In re Conner*, 458 S.W.3d 532 (Tex. 2015), “[t]he issue here is whether a trial court abuses its discretion by refusing to grant a motion to dismiss for want of prosecution in the face of unmitigated and unexplained delay. We hold that it does.” *Id.*

3. In family law specifically, *In re Marriage of Buster*, 115 S.W.3d 141 (Tex. App.—Texarkana 2003) emphasized the importance of moving family law cases toward resolution and upheld dismissal after extended inactivity.

Application to Current Case

4. The facts strongly support dismissal for want of prosecution:

- i. The divorce case has been pending for over 16 months
- ii. Petitioner's attorney has failed to prosecute the case since April 24, 2024
- iii. No substantive action taken for approximately 11 months
- iv. No responses to discovery, no substantive pleadings, no trial settings
- v. The only recent action was filing a Motion to Consolidate to block emergency relief

5. This extended inactivity is precisely the type of conduct that Texas courts have consistently held, which justifies dismissal for want of prosecution. The court should dismiss the dormant divorce case and allow the new SAPCR to proceed independently to address the children's urgent needs.

B. Void Orders Due to Lack of Consent

Legal Framework

6. The Texas Supreme Court established in *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951) that: "A valid consent judgment cannot be rendered by a court when consent of one of the parties is wanting. It is not sufficient to support the judgment that a party's consent thereto may at one time have been given; consent must exist at the very moment the court undertakes to make the agreement the judgment of the court."

7. The Court further held: "When a trial court has knowledge that one of the parties to a suit does not consent to a judgment, it is error to render a judgment purportedly by agreement; such a judgment is a nullity."

8. This principle was reaffirmed in *Padilla v. LaFrance*, 907 S.W.2d 454 (Tex. 1995), which confirmed that a trial court cannot render an agreed judgment after a party has withdrawn consent to a settlement.

Application to Current Case

9. The orders in this case are void under *Burnaman* and its progeny because:

- i. The orders claim consent of all parties but only bear signatures of the Petitioner and counsel
- ii. Respondent contends he never gave consent to the orders
- iii. Respondent actively opposed the terms that locked him out of his home and separated him from the children

- iv. The court was aware of the dispute regarding consent (Respondent filed an emergency motion challenging the basis for agreement)

10. Under Texas law, if Respondent did not consent to the orders at the time they were rendered, they are void ab initio. The court should declare these orders void and vacate them.

C. Associate Judge's Orders Never Properly Adopted

Legal Framework

11. Texas Family Code § 201.013(b) explicitly states: "Except as provided by Section 201.007 (Powers of Associate Judge), if a request for a de novo hearing before the referring court is not timely filed, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court **only on the referring court's signing the proposed order or judgment.**"

12. This requirement is mandatory, not discretionary. Without the District Judge's signature, the Associate Judge's order remains merely a "proposed" order.

Application to Current Case

13. The orders in this case were issued by an Associate Judge but allegedly never properly adopted or signed by the referring District Court. Under Texas Family Code § 201.013(b), these orders never achieved the status of a final judgment of the court and have no legal effect as final orders.

14. This defect alone would be sufficient to challenge their validity, even without the consent issues. The court should declare these orders void or vacate them due to the lack of proper adoption by the referring court.

D. No Continuing Exclusive Jurisdiction (CEJ)

Legal Framework

15. Texas Family Code § 155.001(a) provides: "A court acquires continuing, exclusive jurisdiction over the matters provided for by this title in connection with a child on the rendition of a final order."

16. Critically, § 155.001(d) states: "Unless a final order has been rendered by a court of continuing, exclusive jurisdiction, a subsequent suit shall be commenced as an original proceeding."

17. In *In re Burk*, 252 S.W.3d 736 (Tex. App.—Houston [14th Dist.] 2008), the court held that CEJ is established only upon rendition of a final order, and temporary orders do not establish CEJ.

Application to Current Case

18. No final order was ever rendered in the divorce case because:

- i. The Associate Judge's orders were never properly signed by the referring District Court Judge (per § 201.013(b))
- ii. The orders were void due to lack of consent (per *Burnaman v. Heaton*)

19. Without a final order, the 322nd District Court never acquired CEJ over the children. Therefore, under § 155.001(d), the Respondent's new SAPCR was properly "commenced as an original proceeding" in the 233rd District Court.

20. The motion to consolidate should be denied because the 322nd District Court does not have dominant jurisdiction over the children.

E. Exceptions to Dominant Jurisdiction

Legal Framework

21. Generally, when two suits involving the same subject matter are pending in different courts of equal jurisdiction, the court in which the suit was first filed has dominant jurisdiction. However, the Texas Supreme Court in *Wyatt v. Shaw Plumbing Co.*, 760 S.W.2d 245, 247 (Tex. 1988) recognized three exceptions to this rule:

- i. Conduct by a party that estops them from asserting prior active jurisdiction
- ii. Lack of persons to be joined if feasible
- iii. Lack of intent to prosecute the first lawsuit

Application to Current Case

22. Even if the 322nd District Court had dominant jurisdiction (which it does not due to lack of CEJ), at least two exceptions to the first-filed rule apply:

Estoppel by Conduct:

- i. Petitioner allowed the case to become completely dormant
- ii. Failed to comply with Rule 237a's notice requirements after federal remand
- iii. Effectively concealed the revival of the state case
- iv. Represented through inaction that she had abandoned the case

Lack of Intent to Prosecute:

- i. For nearly a year, Petitioner took no action to advance the divorce

- ii. No discovery, no responses, no settings
- iii. Only "revived" the divorce case as a strategic ploy to derail Respondent's emergency action

23. The 233rd District Court is the appropriate forum to hear the current disputes because that case was initiated specifically to address the children's urgent needs, free from the entanglements of the stalled divorce.

F. Attorney Misconduct - Rule 12 Challenge

Legal Framework

24. Texas Rule of Civil Procedure 12 provides that a party may file a sworn motion stating that they believe a suit is being prosecuted or defended without authority. The challenged attorney bears the burden of proving authority to act. If the attorney fails to show authority, the court "shall refuse to permit the attorney to appear in the cause and shall strike the pleadings if no person who is authorized to prosecute or defend appears."

25. These consequences are mandatory, not discretionary. The court has no choice but to bar the attorney and strike the pleadings upon failure to show authority.

Application to Current Case

26. Respondent filed a verified Rule 12 motion on September 20, 2024, challenging Cooper L. Carter's authority. Ms. Carter has not responded to this challenge for over 6 months. Additional facts supporting the Rule 12 challenge include:

- i. Ms. Carter's e-filing account is registered under her prior employer's email address

- ii. Ms. Carter has not meaningfully corresponded with Respondent during the litigation
- iii. Ms. Carter is unreachable by phone or email
- iv. Ms. Carter lacks a current working phone number or email on file with the State Bar
- v. Ms. Carter has not produced any client authority or engagement agreement in 14 months

27. Under Rule 12, Ms. Carter's failure to respond to the challenge requires the court to refuse to permit her to appear in the case and strike all pleadings filed by her, including the Motion to Consolidate.

G. Additional Attorney Misconduct

Discovery Violations

28. Ms. Carter failed to respond to Requests for Admissions served on September 17, 2024, resulting in deemed admissions under Texas Rule of Civil Procedure 198. She made no effort to withdraw or amend these deemed admissions, effectively conceding critical facts against her client.

29. This constitutes a violation of her duties under Rules 193.2 and 193.5 to timely respond or amend discovery responses.

Rule 237a Violations

30. After federal remand on December 6, 2024, Ms. Carter failed to:

- i. File the required certified copy of the remand order with the clerk
- ii. Provide Respondent with mandatory written notice of the remand

31. This procedural violation prevents the case from moving forward properly and further demonstrates Ms. Carter's neglect of basic procedural duties.

Abuse of Process

31. Ms. Carter's sudden reappearance after nearly a year of inactivity solely to block emergency relief suggests improper purpose. Filing a Motion to Consolidate without addressing substantive issues appears designed to delay resolution rather than advance the case.

This conduct violates:

- i. Rule 13 of Texas Rules of Civil Procedure (forbidding groundless filings brought in bad faith)
- ii. Texas Disciplinary Rule 3.02 (prohibiting positions that unreasonably delay resolution)

H. Children's Best Interests*Legal Framework*

32. Texas Family Code § 153.002 establishes: "The best interest of the child shall be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child."

This paramount standard must guide all decisions in cases involving children.

Application to Current Case

33. The children in this case are suffering ongoing harm:

- i. Subjected to psychological manipulation and medical neglect
- ii. Left home alone at night without supervision
- iii. Removed from Respondent's care and placed with elderly great-grandparents
- iv. Eldest child's academic performance has plummeted
- v. Emotionally estranged from both parents

34. Every day that passes without corrective action leaves the children in an unstable, harmful environment. Consolidation would reward procedural stonewalling and cause further delay. The children's best interests require prompt resolution, which can only be achieved by denying consolidation, dismissing the dormant divorce case, and allowing the new SAPCR to proceed expeditiously.

III. CONCLUSION AND RELIEF REQUESTED

Based on the comprehensive legal analysis above, there are multiple independent grounds supporting the Respondent's entitlement to relief:

1. The divorce case should be dismissed for want of prosecution under Rule 165a and the court's inherent power.
2. The current orders are void due to lack of consent under *Burnaman v. Heaton*.

3. The Associate Judge's orders were never properly adopted under Texas Family Code § 201.013(b).
4. The 322nd District Court never acquired CEJ under Texas Family Code § 155.001.
5. Exceptions to dominant jurisdiction apply under *Wyatt v. Shaw Plumbing Co.*
6. Ms. Carter's pleadings should be stricken due to her failure to respond to a Rule 12 challenge.
7. Ms. Carter has engaged in multiple instances of misconduct warranting sanctions and referral to the State Bar.
8. The children's best interests require immediate relief without further procedural delays

Therefore, the Respondent is entitled to the following relief:

- i. Denial of Petitioner's Motion to Consolidate.
- ii. Declaration that the current orders are void and of no legal effect.
- iii. Dismissal of the divorce action (Cause No. 322-744263-23) for want of prosecution.
- iv. Striking of all pleadings filed by Cooper L. Carter due to her failure to show authority.
- v. Permission for the new SAPCR to proceed in the 233rd District Court to address the children's urgent needs.

These remedies are supported by well-established Texas law and are necessary to protect the children's best interests, ensure procedural fairness, and maintain the integrity of the legal process. Without any opposition, the court has every ability to act.

IV. SUPPORTING CASE LAW AND STATUTES

A. Dismissal for Want of Prosecution

- *Villarreal v. San Antonio Truck & Equipment*, 994 S.W.2d 628 (Tex. 1999)
- *In re Conner*, 458 S.W.3d 532 (Tex. 2015)
- *In re Marriage of Buster*, 115 S.W.3d 141 (Tex. App.—Texarkana 2003)
- *Fox v. Wardy*, 234 S.W.3d 30 (Tex. App.—El Paso 2007)
- *Dueitt v. Artripe*, 217 S.W.3d 911 (Tex. App.—Dallas 2007)
- Texas Rule of Civil Procedure 165a

B. Void Orders Due to Lack of Consent

- *Burnaman v. Heaton*, 240 S.W.2d 288 (Tex. 1951)
- *Padilla v. LaFrance*, 907 S.W.2d 454 (Tex. 1995)
- *In the Interest of J.G., a Child* (Texas Fourth Court of Appeals, 2018)
- *St. Raphael Medical Clinic, Inc. v. Mint Medical Physician Staffing, LP* (2007)

C. Associate Judge's Orders

- Texas Family Code § 201.013
- *In re B.B.S.* (Texas Court of Appeals)

D. Continuing Exclusive Jurisdiction

- Texas Family Code § 155.001

- *In re Burk*, 252 S.W.3d 736 (Tex. App.—Houston [14th Dist.] 2008)
- *In re G.R.M.*, 45 S.W.3d 764 (Tex. App.—Fort Worth 2001)
- *In re C.G.*, 495 S.W.3d 40 (Tex. App.—Corpus Christi 2016)

E. Exceptions to Dominant Jurisdiction

- *Wyatt v. Shaw Plumbing Co.*, 760 S.W.2d 245 (Tex. 1988)
- *V.D. Anderson Co. v. Young*, 101 S.W.2d 798 (Tex. 1937)
- *Curtis v. Gibbs*, 511 S.W.2d 263 (Tex. 1974)

F. Attorney Misconduct

- Texas Rule of Civil Procedure 12
- Texas Rule of Civil Procedure 198 (Deemed Admissions)
- Texas Rule of Civil Procedure 237a (Remand Procedure)
- Texas Rule of Civil Procedure 13 (Groundless Pleadings)
- Texas Disciplinary Rule 3.02 (Delay of Litigation)
- *TransAmerica Corp. v. Braes Woods Condo Ass'n*

G. Children's Best Interests

- Texas Family Code § 153.002

Respectfully submitted,

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

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, this request has been served on all parties of record on 04/03/2025 through their electronic filing manager registered email address.

This request has also been served on COOPER L. CARTER via her email

COOPERCARTER@MAJADMIN.COM which is not registered with the EFM.

Respectfully submitted,

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

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Case Contacts

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