

[25-0361](#) & [25-0367](#) & [25-0378](#) & [25-0426](#) & [25-0458](#)

IN THE SUPREME COURT OF TEXAS

In Re: Charles Dustin Myers, Relator

Original Proceeding from the Second Court of Appeals

Fort Worth, Texas

Appellate Cause Nos.:

[02-25-00164-CV](#), [02-25-00166-CV](#), [02-25-00171-CV](#)

Hon. Kate Stone, Hon. Jeff Kaitcer, and Hon. Kenneth Newell Presiding

Trial Court Causes: 322-744263-23 & 233-765358-25

AND

25-0426 & 25-0458, Original Proceedings

Hon. David L. Evans and Hon. John H. Cayce, Jr.

Presiding by Assignment

THIRD AMENDED MOTION TO CONSOLIDATE

Respectfully submitted by:

Charles Dustin Myers, *Relator*

817-546-3693

CHUCKDUSTIN12@GMAIL.COM

PRO-SE

EMERGENCY STAY REQUESTED

Table of Contents

| | |
|--|-------|
| Table of Contents | 2 |
| The Parties..... | 3 |
| The Honorable Respondents | 3 |
| Counsel..... | 4 |
| The Family | 4 |
| Case files – Texas Supreme Court Website..... | 5 |
| Case files – Second Court of Appeals Website | 5 |
| Statement of Facts | 6-36 |
| I. Introduction..... | 37 |
| II. Reasons for Consolidation | 39 |
| 1. Importance of Issues to the Parties and State Jurisprudence | 39-40 |
| 2. Constitutional Oversight of the Administration of Justice | 40-41 |
| III. Application of key consolidation factors | 41 |
| A. Importance of Issues to the Parties and State Jurisprudence | 41-42 |
| B. Constitutional Oversight of the Administration of Justice | 42-43 |
| FIGURE 1 Systemic Importance Map..... | 44 |
| IV. Silence as the Opponent..... | 45 |
| IV. Conclusion | 46-47 |
| V. Prayer | 48 |

The Parties

There are five Honorable Respondents in this matter, six if we include the first Mandamus filed on April 8, 2024.¹

The Honorable Respondents

| JUDGE | CASE # | DATE FILED | RESULT |
|---|--------------------------------|-------------------|---------------|
| HON. JOHN H. CAYCE | <u>25-0458</u> | 05/27/2025 | PENDING |
| HON. DAVID L. EVANS | <u>25-0426</u> | 05/19/2025 | PENDING |
| HON. KENNETH NEWELL | <u>25-0378</u> | 05/07/2025 | PENDING |
| HON. KATE STONE | <u>25-0367</u> | 05/02/2025 | PENDING |
| HON. JEFFREY KAITCER | <u>25-0361</u> | 05/01/2025 | PENDING |
| HON. JAMES MUNFORD & HON. JEFFREY KAITCER | <u>24-0395</u> | 05/13/2024 | DENIED |

¹ See [24-0395](#). Relator believes this petition was denied because at that time his understanding of appellate practice resulted in a fatally defective submission that did not include a mandamus record.













Counsel

| NAME | SBN | LEVEL | REPRESENTING |
|---------------------|----------|-----------|---------------------------|
| DAN BACALIS | 01487550 | TRIAL | RELATOR (PRIOR) |
| COOPER CARTER | 24121530 | TRIAL | REAL PARTY IN INTEREST |
| HOLLY HAYES | 24110698 | TRIAL | STATE OF TEXAS |
| DETERREAN GAMBLE | 24062194 | APPELLATE | STATE OF TEXAS |
| NICHOLE LOYA | 24082948 | APPELLATE | STATE OF TEXAS |
| MATTHEW DEAL | 24087397 | APPELLATE | STATE OF TEXAS |



The Family

| NAME | ROLE(s) |
|-----------------------|--|
| MORGAN MICHELLE MYERS | PETITIONER, REAL PARTY IN INTEREST, PLAINTIFF, MOTHER |
| CHARLES DUSTIN MYERS | RESPONDENT, RELATOR, DEFENDANT, FATHER |
| M.E.M & C.R.M. | TWO MINOR CHILDREN |

Case Files – Texas Supreme Court Website

| CASE # | RESPONDENT | PETITION | RECORD | STAY |
|----------------|--------------|---|---|---|
| 25-0361 | HON. KAITCER |  |  |  |
| 25-0367 | HON. STONE |  |  | |
| 25-0378 | HON. NEWELL |  |  | |
| 25-0426 | HON. EVANS |  |  |  |
| 25-0458 | HON. CAYCE |  |  | |

Case Files – Second Court of Appeals Website

| <i>CASE #</i> | RESPONDE NT | PETITION | RECORD | EN BANC | MOTION |
|---------------------------------------|-----------------|----------|--------|---|--------|
| <u>02-25-00164-CV</u> | HON. STONE | N/A | N/A | N/A | N/A |
| <u>02-25-00166-CV</u> | HON. KAITCER | N/A | N/A |  | N/A |
| <u>02-25-00171-CV</u> | HON. NEWELL | N/A | N/A |  | N/A |

Statement of Facts

Relator, CHARLES DUSTIN MYERS, is referred to herein as “Father.” Real Party in Interest, MORGAN MICHELLE MYERS, is referred to herein as “Mother”. Each record citation marked with (R. X-X) is referencing the separately filed [FIRST AMENDED CONSOLIDATED MANDAMUS RECORD](#) currently present within each case.

A. The Precipitating Event and Background Facts

The events giving rise to these proceedings began on December 12, 2023, when the father discovered a series of text message exchanges between the mother and two individuals outside the marriage—identified in the record as Damen Kazlauskas and Debbie Price (R. 253–711). This discovery occurred shortly after the mother’s abrupt announcement of her intent to divorce and raised concerns regarding the children’s well-being and emotional environment. In an effort to address the matter constructively, the father contacted the mother’s grandfather—who resides next door to the marital home—via text message to request a family meeting to discuss the situation (R. 717–720).

The following day, however, when Father confronted Mother with the discovery—presenting his concerns in the form of data visualizations (R. 255–257)—she began distancing herself, starting by redirecting the planned family conversation into a private meeting solely between herself and her grandparents

(**R. 1715**). On December 14, 2023, Mother initiated text communication with her stepfather, Dan Branthoover, who resides in Yukon, Oklahoma (**R. 274–278**). Mr. Branthoover then contacted Father via text message, stating that he wanted to help both parties and requested a phone conversation (**R. 1703-1704**). That conversation resulted in an arrangement for Mother to travel to Mr. Branthoover’s residence over the weekend beginning December 15, 2023, where Mr. Branthoover later acknowledged that he would be assisting with the divorce paperwork (**R. 1710**). During this same period, Mother also sought an ex parte emergency protective order against Father from the 322nd District Court of Tarrant County, as referenced in her divorce petition (**R. 78 at 9B**).

B. Travel, Influence and Conversion of Marital Assets

While en route to, or upon arrival at, Mr. Branthoover’s residence, Mother withdrew the entirety of the funds from the joint marital bank account, totaling \$1,576 (**R. 723; 1716–1717**). The transaction was facilitated by Mr. Branthoover, who used his PayPal account—identified as “dmb575” (**R. 1707**)—as an intermediary to transfer the funds. This identifier corresponds to the relevant December 2023 bank statement (**R. 1706**). Both Mr. Branthoover and Mother later admitted that the transaction had occurred (**R. 1709, 1716**).

As a result, on December 16, 2023, Father was notified that the joint account had been overdrawn, which caused the suspension of his business’s advertising

services due to a failed payment (**R. 726–727**). Father subsequently contacted Mr. Branthoover in writing to request the return of the funds, explaining that the money was needed to cover essential family expenses and to purchase Christmas presents for the children (**R. 728–729**). During this exchange, Mr. Branthoover explicitly informed Father that Mother’s visit was for the purpose of receiving assistance with the preparation of divorce paperwork (**R. 730**).

C. The Eviction Attempt

The situation escalated further on December 17, 2023, when Father was served with an eviction notice by Mother’s grandmother, Margie Wilson. The notice cited a protective order and a divorce petition as the basis for eviction, despite those documents not having been formally filed at the time (**R. 735**). The case was later heard by the Honorable Judge Swearingin Jr. and was dismissed for lack of subject matter jurisdiction (**R. 736–737**) on January 17, 2024.

D. The Divorce Petition

On December 18, 2023, Mother formally filed for divorce (**R. 71–81**) and requested an “Uncontested Cases” form from the court (**R. 101**). In her divorce petition, she claimed that the parties had stopped living together as spouses on or around December 1, 2023 (**R. 74 at 4**). She also asserted financial indigence, stating that she had only \$21 in her bank account (**R. 91**) while being responsible for \$1,610 in monthly expenses (**R. 92**). Contradicting the timeline established by

the eviction notice served the previous day, the petition further alleged that an active protective order was already in place against Father, and that a finding of family violence had been made during the marriage—thereby waiving the statutory 60-day waiting period (**R. 78 at 10**).

Mother further claimed that the marital property would be divided by agreement yet designated both family vehicles as her separate property (**R. 79**). She requested joint managing conservatorship (**R. 75 at 6D**) and sought standard visitation rights for Father (**R. 76 at 6F**), while simultaneously alleging that she and the children could face abuse or serious harm if Father were provided with her contact information (**R. 81 at 15**).

E. The Protective Order

Four days after filing for divorce, on December 22, 2023, Mother filed an application for a protective order (**R. 103–109**). In supporting documents, including an affidavit (**R. 108**) and an unsworn declaration, she alleged that family violence occurred on December 18, 2023—the same day she filed for divorce (**R. 109**).

However, evidence indicates that on that same day, Mother was present at the family home with Father, exhibiting no signs of being in a state of emergency (**R. 1692**). Mother continued to cohabit with Father intermittently following these filings, as evidenced by her presence at the family home on December 29, 2023,

participating in a typical evening with Father and the children (**R. 1716**). Father was formally served with the protective order suit on December 27, 2023 (**R. 117-118**).

Within the protective order application, Mother requested that Father be prohibited from approaching within 200 feet of the children's school, that he cease all communication with her, and that he complete a battering intervention and prevention program (**R. 105**). She acknowledged the joint ownership of the matrimonial residence but nonetheless requested spousal support, child support, and Father's immediate removal from the home (**R. 106**). Adding another layer to the situation, the day after the divorce was filed—on December 19, 2023—Mr. Branthoover contacted Father via text message, claiming to represent Mother in the legal proceedings (**R. 1712**). Despite these filings and allegations, Father continued to cohabit with Mother leading up to the first scheduled legal proceeding: a show cause hearing set for January 16, 2024. During this interim period, Father prioritized the children and spent time with them during their holiday break (**R. 826–829**).

F. Father Prepares His Defense

In response to the series of legal actions initiated by Mother, Father waited until after the children's Christmas holiday to formally begin preparing his defense. He first filed an original answer to the protective order application,

denying all allegations of family violence (**R. 129–133**).

In his answer, Father raised the affirmative defenses of fraud, illegality, and duress, asserting that Mother was attempting to misuse the legal process (**R. 131**). To support his position, Father attached two exhibits: the first was a copy of his Texas Department of Public Safety (TxDPS) record, demonstrating no history of violence (**R. 134–136**); the second highlighted inconsistencies within Mother's divorce petition (**R. 137–140**). Subsequently, on January 3, 2024, Father filed a motion to consolidate the protective order proceedings with the divorce case (**R. 142–145**). He also submitted a background report intended to provide the court with context regarding the children's familial circumstances (**R. 146–148**). Father later filed a motion for continuance to obtain legal representation (**R. 149–151**), accompanied by additional documentation related to the family situation (**R. 152–155**), including text message evidence from Mr. Branthoover intended to refute Mother's claim of indigency (**R. 161–164**). Finally, on January 13, 2024, Father submitted an unsworn declaration detailing the sequence of events leading up to that point (**R. 175–179**).

G. Setting #1 – Show Cause

The first court hearing was scheduled for January 16, 2024 (**R. 117-118**). The parties appeared but announced they were not ready to proceed (**R. 180–181**). Due to inclement weather conditions, the Honorable James Munford presided over

the matter temporarily. Judge Munford granted a continuance but also ordered Father to vacate the family residence effective immediately—without conducting an evidentiary hearing, making specific findings, or considering Father’s submitted pleadings or the children’s needs. This resulted in a de facto temporary termination of Father’s custodial rights, and the case was reset for January 22, 2024, to be heard by the Honorable Jeffrey Kaitcer (**R. 182–185**).

Faced with the sudden loss of his residence and access to his children, Father sought legal representation immediately and retained attorney Daniel R. Bacalis on January 19, 2024—just three days before the rescheduled hearing (**R. 818 at 9**). Father promptly briefed Mr. Bacalis on the situation, providing insights into the family dynamics through a comprehensive statement of context (**R. 168–174**).

H. Reset #1 – Show Cause

On the rescheduled date of January 22, 2024, the parties appeared at the courthouse for the second setting. Mother initially appeared without legal counsel but retained attorney Cooper L. Carter in the courthouse lobby just prior to the hearing. This prompted a further delay, as the Honorable Judge Kaitcer granted a continuance sua sponte, resetting the case once more to February 1, 2024 (**R. 185–187**).

In the period between settings, both Mr. Bacalis, representing Father, and Mr. Carter, representing Mother, drafted amended pleadings in the divorce

proceedings (**R. 188-207, R. 208-219**).

I. Reset #2 – Show Cause

At the third scheduled setting on February 1, 2024, both parties arrived with their respective counsel and announced they were ready to proceed. However, instead of the matter being heard by Honorable Jeffrey Kaitcer, father's counsel, Mr. Bacalis, drafted an "Agreed Associate Judge's Report" which was presented to father in the hallway outside the courtroom. (**R. 228-234**). This proposed agreement included terms to non-suit (dismiss) the protective order application, grant father residency in the family home only until March 1, 2024, and outline the division of financial responsibilities (**R. 231-232**).

Father expressed significant reservations and initially refused to sign the agreed order, stating his desire to proceed to trial to address mother's allegations directly and hold her accountable, where he was told by his counsel, "I know the judge, this is the best we can get," and felt pressured into signing the agreement as the only presented option, which is corroborated by father's witness in an affidavit (**R. 1367-1369**). Feeling frustrated by this outcome, father paid particular attention to the procedural requirements highlighted in bold text within the agreement signed on February 1, 2024 (**R. 233**). The Father then realized that if he terminated his attorney, he wouldn't be able to prepare the written order and made the decision to terminate his counsel and represent himself moving forward.

J. Father Proceeds Pro Se

Shortly after the court setting, Father terminated the services of his attorney, Dan Bacalis, and notified the court (**R. 220–222**). An agreed motion for withdrawal of counsel was subsequently filed (**R. 223–227**).

On February 8, 2024, the associate judge’s report dated February 1, 2024, was filed into the record (**R. 228-234**). Around the same time, an agreed order of consolidation was entered—consolidating the protective order suit with the divorce matter—without Father’s knowledge or signature (**R. 235–238**).

In response, Father prepared an Emergency Motion to Vacate, which he filed the following day (**R. 239–243**). The motion included a supporting brief summarizing the procedural history and outlining what Father described as Mother’s unlawful campaign against him (**R. 244–252**), and sought a de novo hearing on specific issues. The exhibits accompanying the motion included text message evidence and data visualizations involving Mother, Damen Kazlauskas, and Debbie Price, originally discovered on December 12, 2023 (**R. 253–714**); text messages between Father and Mother’s grandfather indicating the divorce was unexpected (**R. 715-720**); evidence of marital asset conversion between Mother and Daniel Branthoover (**R. 721–723**); documentation of the overdrawn joint bank account and related communications from Branthoover (**R. 724–731**); a copy of the eviction notice served by Margie Wilson, which Mother later tore in half and

marked “VOID” (**R. 732-735**); and the judgment of dismissal in the eviction proceeding, entered on January 17, 2024—the day after Father was removed from the residence (**R. 736-737**).

A few days later, the court issued the order granting Attorney Bacalis’s withdrawal (**R. 738-741**). Father then prepared and filed a Motion for Partial Summary Judgment, accompanied by a supporting brief (**R. 757-767**). He attached a Proposed Parenting Plan as Exhibit D to the motion (**R. 768-772**) and a proposed order (**R. 773-774**). No response was ever provided to these pleadings by the opposing party.

K. Events Preceding the March 14 Hearing

On February 22, 2024, the parties received notice that a hearing on Father’s Emergency Motion was scheduled for March 14, 2024, signed by Hon. James Munford (**R. 775-779**). Father subsequently filed a notice stating his intention to remain in the marital residence due to work requirements and childcare responsibilities (**R. 781-785**). He then provided initial disclosures to the parties (**R. 786-792**) and received no response to his emergency motion.

Two days later, while Father was taking the children to school, Mother locked him out of the marital residence and left a sign on the door declaring that “You should have been out by Saturday you are now locked out.” (**R. 1747-1748**). To avoid unnecessary conflict, Father temporarily stayed in Flower Mound, Texas, with his

own father while awaiting the hearing.

L. Setting #4 – Emergency Motion to Vacate and Reconsider Evidence

Father appeared for the scheduled hearing on his Emergency Motion (**R. 793**).² Upon entering the courtroom, he was handed a document titled “Temporary Orders,” which was a modified version of the February 1, 2024, agreement previously prepared by Father’s former counsel (**R. 887**). These orders were prepared by Cooper L. Carter after the 20-day deadline stipulated in the original agreement. No agreement had been reached, as evidenced by the parties’ presence in court to contest the matter, and no motion to sign had been set or filed—contrary to the judge’s prior directive (**R. 233**) and agreement of the parties.

The proposed orders also claimed that a hearing had been held on February 1, 2024, for “Mother’s Motion for Temporary Orders,”³ and that all parties were in agreement with the terms “as evidenced by the signatures below” (**R. 888**). In reality, the February 1 setting resulted only in an associate judge’s report, drafted informally in the hallway by Father’s prior counsel. Despite this, the proposed order stated that the court “heard evidence and argument”—a statement Father asserts was inaccurate (**R. 888**). At that time, the only other scheduled hearing was on Mother’s Application for Protective Order, which had been non-suited in the

² No appearance by Mother can be found on the Record for this date.

³ This motion has never been served on the Relator.

February 1 Associate Judge's Report after two delays.

Once the hearing began, Father's Emergency Motion was denied without explanation, and he was ordered to sign the very agreement he had appeared in court to contest (**R. 794-795**). Notably, the order itself contained two distinct sets of handwriting, was prepared by the opposing counsel, and Father refused to sign the document because he did not agree to its terms (**R. 795**). Notably, Father also refused to sign the Temporary Orders claiming his consent (**R. 925**). No order was ever issued regarding Father's Emergency Motion to Vacate.

Following the setting, Father began exploring his appellate remedies and drafted a Preparatory Notice for Judicial Review, which he later amended twice (**R. 797-846**). The document provided a detailed account of the parties' family background (**R. 807**), employment history, and household dynamics (**R. 808-815**). It included a statement of facts segmented into background facts (**R. 816-817**), procedural facts (**R. 817-821**), and undisputed evidentiary facts (**R. 822-825**). The pleading also contained video evidence of Father with the children during the Mother's initial campaign to have him removed from the residence (**R. 826-829**).

Appended to the filing were affidavits from Father's business clients attesting to his need to remain in the marital residence for professional reasons pending the divorce (**R. 850-852, R. 853-855, R. 856-858, R. 859-861, R. 862-865, R. 866-868, R. 869-872**).

The disputed Temporary Orders that claimed consent were filed into the record by the clerk on March 26, 2024. Father promptly responded by filing a formal Request for Findings of Fact and Conclusions of Law regarding the March 14 decision (**R. 882–886**). He then filed a notice of his intent to seek mandamus relief by April 8, 2024 (**R. 927–930**).

M. The Appellate Proceedings

In April 2024, Father prepared a Motion for Emergency Relief directed to the Second Court of Appeals (**R. 979–1007**) and a Petition for Writ of Mandamus (**R. 931–978**). The Petition was accepted by the appellate court under cause number [02- 24-00149-CV](#) on April 8, 2024, and the trial court was notified of the filing that same day (**R. 1009-1010**).

Two days later, Father’s Motion for Emergency Relief and Petition for Writ of Mandamus were denied per curiam (**R. 1011–1012**). Father then submitted a Motion for Rehearing on April 18, 2024 (**R. 1028–1044**). Six days later, on April 24, 2024, Cooper L. Carter filed a Motion for Pre-Trial Conference (**R. 1013–1016**), to which Father promptly objected (**R. 1017–1023**). The following day, Father’s Motion for Rehearing was denied by the Second Court of Appeals (**R. 1045**).

Father moved for en banc reconsideration on April 26, 2024 (**R. 1052–1066**). On April 30, 2024, although Father continued to disagree with the

Temporary Orders and the hardship they imposed, he abided by the court's directives and filed a Notice of Completion regarding the court-ordered parenting class, which both parties were required to complete by May 1, 2024 (**R. 1046–1050**).⁴ The en banc reconsideration motion was denied the following day (**R. 1067**). Father then prepared a second Petition for Writ of Mandamus before this Court, which was accepted under cause number [24-0395](#). The trial court was notified of the filing by postcard (**R. 1068–1073**).

On May 9, 2024, Cooper L. Carter emailed Father requesting his signature on an Income Withholding Order and claimed that the orders were agreed (**R. 1115**). Father reviewed the proposed order, determined that it was defective (**R. 1117–1122**), and communicated his objections to Ms. Carter (**R. 1116**).

N. Intervention From the Texas Attorney General's Office

Subsequently, an intervention pleading was filed by the Office of the Attorney General, seeking relief from the trial court regarding child support obligations (**R. 1098–1104**). Father objected to this intervention (**R. 1105–1113**). Notably, upon examining the pleading purportedly filed by “Holly Hayes,” Father observed that the signature line did not match the name of the listed attorney of record. Additionally, the font sizes in the document appeared inconsistent, suggesting that the signature may have been irregular (**R. 1102**). No further

⁴ The Real Party in Interest never completed this required parenting course.

correspondence was filed by the Attorney General's Office in the trial court regarding this matter.

By July 2024, during Father's designated month for visitation under the disputed orders, he stayed in an Airbnb near the marital home to maintain stability for the children and worked with the host to attempt to establish a source of business revenue (**R. 1736–1746**).

On August 30, 2024, this Court declined to hear Father's mandamus petition, and the trial court was notified (**R. 1157–1162**). Immediately following the denial, Father prepared a Motion for Rehearing, which he submitted and later amended in mid-September (**R. 1135–1156**). The court was notified of the rehearing filing (**R. 1163–1168**).

O. Challenge to Opposing Counsel's Authority Under Rule 12

After filing the Motion for Rehearing with this Court, Father served discovery requests on the opposing party, including Requests for Production of Documents (**R. 1410–1411**) and Requests for Admissions (**R. 1411–1415**). In addition, Father filed a motion under Texas Rule of Civil Procedure 12, challenging Cooper L. Carter's authority to represent Mother in the trial court (**R. 1169–1177**).

This challenge was based on ambiguity surrounding Ms. Carter's employment status and the fact that her pleadings were being filed by Roderick D.

Marx—an individual who was not listed as counsel of record and not a party to the case (**R. 219, R. 1016**).

P. Declining Resources and Exhaustion of Remedies

Facing rapidly declining credit, reduced income (**R. 1717–1718**), and limited housing options, Father filed an Emergency Motion for Temporary Orders on September 24, 2024, requesting relief by October 1, 2024 (**R. 1183–1195**). When no relief was granted and no response was received from the opposing party, Father filed a motion seeking the joint recusal of Judge James Munford and Associate Judge Jeff Kaitcer. The motion asserted that the nature of Mother’s initial allegations had created an appearance of bias that could undermine fairness in the proceedings (**R. 1196–1220**).

Q. The First Recusal – Procedural Abnormalities

Two days after the recusal motion was filed, Judge James Munford declined to recuse himself without explanation and referred the matter to the Honorable David L. Evans, the 8th Administrative Regional Judge of Fort Worth (**R. 1221–1243**). Upon reviewing this referral, Father observed that the version of the motion submitted to Judge Evans differed significantly from the one he originally filed. Father’s original filing was a single, 20.21 MB hyperlinked PDF submitted via the re:SearchTX platform (**R. 1253-1254**). The version transmitted to Judge Evans was missing exhibits and the supporting affidavit. Father notified the court coordinator

of the discrepancy and noted that the file was approximately 18 MB smaller (**R. 1254–1255**). Receiving no response, Father filed a formal notice with the court outlining these procedural irregularities (**R. 1245–1252**).

The following day, Judge Munford issued an amended order of referral and again declined to recuse, without explanation (**R. 1281–1283**). This time, the recusal motion was divided into three separate files, with the court citing the "size of the motion" as justification (**R. 1356-1357**). Father objected to the handling of the recusal process (**R. 1268–1280**), noting that the Tarrant County District Clerk's publicly available filing guidelines instruct litigants to compile all exhibits into a single document (**R. 1272 at 9**). He also noted that his original 20.21 MB file was well within the platform's approximately 30 MB capacity and that fragmenting the submission contradicted the court's standard electronic filing protocol (**R. 1271 at 6–7**).

R. The First Recusal – the Appointment of Justice Lee Gabriel

Activity paused until October 18, 2024, when the parties received postcard notification that Father's Supreme Court Motion for Rehearing had been denied (**R. 1292–1297**). Three days later, Judge David L. Evans issued an order setting a video conference regarding the recusal motion for October 30, 2024 (**R. 1298–1301**). On the day before the conference, Judge Evans appointed retired Justice Lee Gabriel to preside over the recusal matter (**R. 1305–1308**).

During the scheduled video conference, internet connectivity issues arose, and the hearing was rescheduled to November 7, 2024, to be held in person at the 322nd District Court. In anticipation of possible objections from opposing counsel—who had not filed a response to the recusal motion—Father filed a Pre-Trial Motion in Limine to prevent unnecessary interruptions during his presentation and to reiterate key facts of the case (**R. 1309-1315**).

Two days later, Father submitted a Request for Confirmation of Procedural Requirements, respectfully asking the district clerk to provide a certified copy of Justice Gabriel’s oath of office, in an effort to ensure procedural transparency (**R. 1319–1324**).

S. The First Recusal – Dental Emergency

On the morning of the rescheduled in-person hearing, November 7, 2024, Father awoke experiencing significant dental distress, which he promptly communicated to his father (**R. 1391–1392**), opposing counsel and the court coordinator via email (**R. 1394**), and to Mother directly (**R. 1395**). Opposing counsel agreed in writing to reschedule the hearing due to the emergency (**R. 1393**).

Nonetheless, four days later, on November 11, 2024, the court coordinator disseminated via email an order signed by Justice Gabriel denying Father’s recusal motion. The order specifically referenced Father’s absence from the November 7

hearing but made no mention of the dental emergency (**R. 1397**). In response, Father filed a Motion to Enter Judgment on November 13, 2024, in which he articulated objections to the procedural irregularities surrounding the recusal proceedings (**R. 1325–1369**). This motion was supported by an affidavit elaborating upon those irregularities (**R. 1346–1349**).

Shortly thereafter, Father filed a Notice of Intent to Remove the case to federal court, citing exhaustion of state judicial remedies and setting forth jurisdictional grounds for removal to the U.S. District Court for the Northern District of Texas (**R. 1371–1397**).

On November 18, 2024, Father also submitted a Motion to Compel Discovery (**R. 1398–1407**) pertaining to discovery requests initially served on Mother on September 17, 2024, attached as Exhibit A (**R. 1408–1418**). He requested that the court deem the requested admissions conclusively established by operation of law due to Mother’s failure to respond (**R. 1405**).

The recusal proceedings concluded when the court formally documented and served the order denying Father’s recusal motion on November 19, 2024 (**R. 1422–1423**). At that point, the parties awaited formal confirmation of the termination of Justice Lee Gabriel’s assignment, as such termination would not effectuate “...until the undersigned Presiding Judge has terminated this assignment in writing.” (**R.**

1306).

T. Federal Removal, Remand, and Initiation of Proceedings Against Daniel

Kenneth Branthoover

Following the denial of the recusal motion, Father spent the next two weeks compiling the necessary record in preparation for federal removal. On December 2, 2024, he filed a Notice of Removal with the state trial court (**R. 1425–1444**). Two days later, however, the United States District Court remanded the matter back to state court for lack of subject matter jurisdiction.⁵

On December 14, 2024, Dan Branthoover sent Father a threatening text message (**R. 1719–1720**). At that point, Father’s financial losses had exceeded \$75,000 (**R. 1460–1462**), prompting him to initiate separate federal litigation against Daniel Branthoover in the U.S. District Court for the Western District of Oklahoma. That action sought damages arising from Mr. Branthoover’s involvement in the events underlying this case, and was later amended (**R. 1450–1464**).

Father provided notice of the related federal case to the state trial court on December 31, 2024 (R. 1445–1449). The federal complaint was filed pursuant to 28 U.S.C. § 1332(a) (R. 1428), and its statement of facts closely mirrored those

⁵ As of the time of writing this motion, the certified notice of remand has not been served on the Relator by the Real Party in Interest (Plaintiff) pursuant to Rule 237a of the Texas Rules of Civil Procedure.

presented in the current matter (**R. 1452–1455**).

U. Case Abandonment

The divorce case remained largely inactive until January 16, 2025, when Father submitted a comprehensive Case Memorandum and served copies upon Judges James Munford and Jeff Kaitcer of the 322nd Judicial District Court, Visiting Retired Justice Lee Gabriel, Regional Judge David L. Evans, and opposing counsel Cooper L. Carter (**R. 1465–1519**). On January 26, 2025, Father filed a Motion to Dismiss for Want of Prosecution, citing the lack of activity in the case by the opposing party and the Court’s time standards for divorce proceedings (**R.1526–1533**).

On January 29, 2025, facing the imminent repossession of his primary vehicle, Father returned to the matrimonial residence to retrieve his secondary vehicle. Inside, he discovered numerous personal items that Mother had placed in the vehicle. He temporarily relocated these items to the porch (**R. 1628–1629**). Upon returning the next day to collect the children for his scheduled possession, Father observed that Mother had moved the items from the porch to the curb (**R. 1630-1631**).

No further docket activity occurred until February 25, 2025, when Father filed a Notice of Loss of Employment, notifying the court of a significant reduction in income (**R. 1520–1525**). At the same time, he submitted a Motion to Sign,

requesting a ruling on his long-pending Motion for Partial Summary Judgment, which had remained unresolved since its original filing on February 22, 2024 (**R. 1636–1656**), and which the court acknowledged during the March 14, 2024, hearing (**R. 1369**). Father also filed an Objection and Request for Judicial Notice, recapping relevant procedural history and identifying pending matters requiring rulings (**R. 1659–1677**).

On February 28, 2025, Father filed a Request for Ruling on his outstanding motions (**R. 1678–1685**). On March 5, 2025, he submitted a Notice of New Information, documenting Watauga Police Department involvement regarding his personal property being placed at the curb by Mother (**R. 1686–1695**). On March 12, 2025, Father filed a Notice of Continued Obstruction, itemizing pending, unopposed motions and emphasizing the ongoing lack of response from opposing counsel (**R. 1929–1942**). He reinforced these concerns on March 14, 2025, through a Notice of Submission, restating the uncontested factual background and the judicial inaction on multiple unresolved filings (**R. 1943–1955**).

By March 18, 2025, Father contacted the court coordinator via email, highlighting that neither Judge Munford nor Judge Kaitcer had been formally reinstated to preside over the case, despite Justice Gabriel’s denial of recusal being entered nearly four months earlier (**R. 2506-2507**). In light of the continued judicial inactivity and being confident in his understanding of dominant

jurisdiction based on the extensive record, Father initiated a new Original Suit Affecting the Parent- Child Relationship (SAPCR) in the 233rd District Court of Tarrant County, submitting a cover letter explaining his need for immediate relief for himself and his minor children (**R. 2259–2277**).

V. The SAPCR Suit and the Sudden Reappearance of Counsel

On March 18, 2025, the 233rd District Court of Tarrant County accepted Father’s original SAPCR petition (**R. 2053–2064**). Shortly thereafter, Mother reappeared in the litigation after several months of inactivity and filed a general denial in response to the SAPCR petition (**R. 2278–2282**). This pleading was submitted on behalf of Cooper L. Carter by Roderick D. Marx (**R. 2282**). Mr. Marx subsequently filed a motion to consolidate the SAPCR matter back into the original divorce case in the 322nd District Court (**R. 2283–2286**), again purporting to act on Ms. Carter’s behalf (**R. 2286**).

Father moved to strike both the general denial and the motion to consolidate (**R. 1956–1965**) and attached an exhibit showing that opposing counsel was registered under a different law firm than what appeared on her pleadings. (**R. 1962–1963**). Father also filed a second Rule 12 Motion challenging Cooper L. Carter’s authority to represent Mother in the 233rd District Court, citing Ms. Carter’s continued failure to formally appear and the repeated filings by Mr. Marx in her name (**R. 2287–2300**). As of the date of this filing, no response has been

submitted to any of these pleadings by Ms. Carter.

W. The Emergency TRO

On March 24, 2025, Father filed an Objection to Consolidation in the second-filed case (**R. 1880–1888**) and an Emergency Motion for Temporary Restraining Order (TRO), seeking to prevent Mother from restricting his access to the family residence and to safeguard the children (**R. 2301–2326**). The TRO incorporated the same statement of facts that remains unopposed in multiple pleadings (**R. 2304–2312**). Father then coordinated with court staff to schedule the presentation of his emergency motion and documented all communications (**R. 2333–2365**) regarding these interactions.

In those communications, Father first inquired about the status of his request and informed the court that the opposing party had been notified of the substance of the relief sought (**R. 2338**). The clerk advised that in-person presentation was required, and Father requested to appear between 9 a.m. and 2 p.m. on March 28, 2025, again confirming that the opposing party had been served (**R. 2339**). Father delivered the intended materials to opposing counsel in advance of that presentation (**R. 2351**), and the clerk confirmed the scheduled time (**R. 2339–2340**).

On March 28, 2025, Father appeared before the court coordinator, who assisted in securing opposing counsel’s agreement to set the TRO hearing for April

10, 2025, from the available dates provided (**R. 2358**). The coordinator initialed the scheduling notice to reflect that agreement (**R. 2360-2361**). Father then proceeded to present the motion to the Honorable Kate Stone, who summarily declined to even hear it based solely on a prospective objection communicated by Mother's counsel—who was not even present in court (**R. 2352**). Even the coordinator acknowledged that the motion could have been heard on the spot and noted that it could have been transferred after the emergency was addressed (**R. 2356**). Instead, the Associate Judge declined entirely to entertain the motion, ultimately triggering cause number [25-0367](#), now pending before this Honorable Court.

On April 1, 2025, Father filed a Pre-Objection in the 322nd court addressing opposing counsel's anticipated motion to consolidate (**R. 1889–1915**). He also submitted a Respondent's Statement in the 322nd District Court (**R. 1916–1919**) and a separate Petitioner's Statement in the 233rd District Court (**R. 1920–1928**). Father then filed a Petitioner's Notice in the 233rd, presenting a side-by-side analysis of the children's best interests and relevant procedural considerations (**R. 1995–2004**).

On April 3, 2025, Roderick Marx filed the Motion to Consolidate on behalf of Mother's counsel that had been used to block the emergency hearing in the 322nd District Court, which failed to acknowledge Father's prior objection (**R.**

2366–2369). In response, Father filed a Pre-Objection to Transfer in the 233rd District Court (**R. 2084–2087**) realizing that the case would need to be transferred at some point along with a Notice of New Information advising the court that Mother was now engaged to Damen Kazlauskas—the individual with whom she exchanged extensive messages at the outset of this case (**R. 2019–2024**). Father also submitted a Comprehensive Legal Analysis in Support of Dismissal in the 322nd District Court, setting forth grounds to dismiss the original divorce matter so that the SAPCR could proceed independently (**R. 1975–1994**).

X. Three Concurrent Mandamus Petitions

A few days later, Father filed a Notice of Intent to File Mandamus in the 233rd District Court (**R. 2065–2083**) and a Notice of Intent to File Prohibition in the 322nd District Court (**R. 2005–2018**). On April 10, 2025, Father filed an Emergency Motion for Declaratory Relief (**R. 1775–1786**) and a Petition for Writ of Mandamus in the Second Court of Appeals, naming the Honorable Kate Stone as Respondent under cause number [02-25-00164-CV](#) (“the SAPCR Mandamus”) (**R. 2025–2052**). Directly after this mandamus was submitted to the Second Court of Appeals, District Judge Kenneth Newell from the 233rd District Court sua sponte granted Mother’s Motion to Consolidate in the 233rd District Court and then filed it with the 322nd District Court. (**R. 2392-2395**). The following day, the first-filed petition (“the SAPCR mandamus”) was denied per curiam in the Second

Court of Appeals.

On April 15, 2025, Father filed a Dominant Jurisdiction Analysis in the 322nd District Court (**R. 2088–2100**), along with a second memorandum titled Procedural Irregularities with Temporary Orders realizing that he was dealing with three potential abuses of discretion from three separate judges (**R. 2172– 2202**). That same day, Father filed a second Petition for Writ of Mandamus in the Second Court of Appeals, this time naming the Honorable Jeff Kaitcer as Respondent under cause number [02-25-00166-CV](#) (“the Void Order Mandamus”) (**R. 2396–2447**) and filed an Emergency Motion for Stay to halt the proceedings given the extraordinary circumstances of this matter. (**R. 2106–2123**). See [No. 02-25-00166-CV](#)

The following day, Father filed a third Petition for Writ of Mandamus, naming the Honorable Kenneth Newell as Respondent under cause number [02-25-00171-CV](#) (“the Consolidation Mandamus”) for his arbitrary grant of Mother’s contested motion without a hearing (**R. 2223–2253**). On the same day, Father’s second mandamus petition was denied per curiam. By April 17, 2025, all three mandamus petitions had been denied per curiam, and Father moved for reconsideration en banc in all three matters (**R. 2448–2467; R. 2203–2217; R. 2155–2171**), thus giving birth to the “Dragon in Triplicate” – three separate judges implicated in three distinct abuses of discretion within the same family law matter.

Y. The Sudden Move to Final Trial

On April 23, 2025, with all three mandamus petitions pending, Father received a Notice of Court Proceeding scheduling a conference for April 29, 2025, purposed for setting the matter for final trial (**R. 1772–1772**). That same day, Father filed a formal objection to the setting (**R. 2218–2222**). The following day, Father’s first filed en banc motion for reconsideration (the “Void Order” mandamus) was denied per curiam by the appellate court.

To address the unresolved issues regarding subject-matter jurisdiction over these orders, Father filed a Plea to the Jurisdiction asking the Honorable James Munford to clarify the legal basis for the current orders (**R. 2468–2479**). In a further effort to protect his procedural rights, Father filed a Second Motion to Recuse Judge Munford on April 25, 2025 (**R. 1787–1859**). Later that same day, Mother notified Father that the emergency circumstance which had formed the original basis for Father’s urgent push for the Emergency TRO petition had now materialized (**R. 1766–1771**).

With this new development, Father filed a Notice of Non-Appearance and Objection to Trial Setting (**R. 2480–2486**) and amended his pending Motion to Recuse (**R. 2487–2608**). Despite the allegations and the procedural defects raised, Judge Munford declined to recuse himself for a second time without any substantive explanation (**R. 2609–2613**).

Separately, the Honorable Jeff Kaitcer—though not named in the recusal motion—filed a voluntary recusal from the case (**R. 2614–2618**). In response, Father filed an Objection to Procedural Handling of the Recusal Proceedings, explaining that Judge Kaitcer’s referral order was improper and specifically objected to the court coordinator managing the recusal process (**R. 2619–2625**).

On May 1, 2025, the appellate court denied Father’s two remaining en banc motions per curiam (**R. 2626–2627; 2628–2629**). That same day, Father filed his second Petition for Writ of Mandamus before this Court under cause number [25-0361](#) (**R. 2630 – 2702**). He filed a third petition the next day, May 2, 2025, under cause number [25-0367](#) (**R. 2875–2943**), followed by a fourth on May 7, 2025, under cause number [25-0378](#) (**R. 3167–3201**).

Z. Risk of Future Error

An Order of Assignment was forwarded by the coordinator from the Honorable David L. Evans appointing Senior Chief Justice John Cayce to oversee the recusal matters on May 6, 2025 (**R. 3148–3150**). Because the Order of Assignment still incorrectly named the Honorable Jeffrey Kaitcer and the coordinator was still handling the matters, Father filed a second objection (**R. 3151–3166**).

AA. The Need for Relief Continues

On May 12, 2025, Father filed an Affidavit in cause number [25-0361](#)

reiterating the need for an emergency stay of the trial court proceedings (**R. 3488-3500**). Three days later, the Honorable David L. Evans overruled the Father's objections regarding the involvement of the court coordinator and the Hon. Kaitcer motion which was never filed (**R. 3506-3508**). The next day, Father filed an emergency notice with the Court reiterating that the date by which he requested relief was approaching, and he reiterated the need for an emergency stay and reminded the Court that no opposition to the relief being sought had been raised. (**R. 3501-3505**).

AB. Mandamus #4

On May 19, 2025, the Father filed a Petition for Writ of Mandamus before this Court as an Original Proceeding which was docketed as case number [25-0426](#) on the grounds that the Regional Presiding Judge's refusal to comply with Rule 18a of the Texas Rules of Civil Procedure was an abuse of discretion (**R. 3509-3559**). Father then prepared a Case Memorandum and filed it in that cause number (**R. 3837-3876**). The next day, Father filed an Emergency Motion to Stay reiterating the need for a stay of the proceedings below given errors continue to compound. (**R. 3877-3896**).

AC. Mandamus #5

On the very same day, Hon. John H. Cayce, Jr., assigned by Hon. David L. Evans, summarily denied the recusal of Hon. James Munford, District Judge of the

322nd District Court of Tarrant County (**R. 3897-3900**). An order was also issued denying the recusal of Hon. Jeff Kaitcer, referring to a motion that was never filed. (**R. 3901-3904**). The next day, Father filed a Notice of Intent to File Mandamus, raising the issue “...that the record, on its face, demonstrates a clear deviation from procedural due process and established Texas jurisprudence regarding recusal proceedings, warranting immediate corrective action to uphold this court’s impartiality and public confidence in the judiciary.” (**R. 3905-3914**).

AD. Striking the OAG

Finally, on May 22, 2025, Father filed a Motion to Strike the Intervention of the Office of the Attorney General requesting that “[i]f a justiciable interest cannot be demonstrated or if a response is not filed by a future date deemed appropriate by the Court, order that the intervention pleading from the Office of the Attorney General naming Holly Hayes as counsel be stricken from the record (**R. 3915-3956**).

AE. Mandamus 5 Materializes

On May 27, 2025, Father filed a 5th Mandamus naming the Honorable John H. Cayce, Jr. as the Respondent. The Mandamus seeks to compel the vacatur of the summary denials of the Relator’s recusal motion regarding Hon. James Munford. This case has been docketed under cause number [25-0458](#).

I. Introduction

In the halls of justice, where the rights of parents and the welfare of children hang in delicate balance, this Court stands as the final guardian of due process and fundamental fairness. This Third Amended Motion to Consolidate presents not merely procedural irregularities, but a profound breakdown in the administration of justice that threatens the very foundation of family law in Texas—a breakdown that reveals a troubling reality: one parent can baselessly discredit another to their detriment, and for fourteen months, the wronged parent can receive no answers despite exhausting every possible judicial avenue. The record before this Court reveals a disturbing sequence of events where a father's constitutional rights to parent his children and maintain his home were systematically dismantled through a series of procedural maneuvers that evaded meaningful judicial review. At each critical juncture, decisions affecting the most intimate aspects of family life—where a father lives, when he sees his children, how he maintains his livelihood—were made without proper evidentiary hearings, without findings of fact, and without the deliberative process that our constitution demands. All the while, the responsible party for this ordeal remains silent, protected by a system that has failed to require accountability.

The consolidation of these mandamus petitions is not merely a matter of judicial efficiency. It represents this Court's unique opportunity to address a pattern

of procedural irregularities that, when viewed collectively, reveal systemic failures that extend beyond the immediate parties.

The issues presented touch upon fundamental questions that lie at the heart of this Court's constitutional oversight role: When does expedience in family court proceedings cross the line into due process violations? What safeguards must remain inviolate even in the emotionally charged atmosphere of divorce and custody disputes? How can courts balance the need for swift action with the imperative of thorough and fair adjudication? And perhaps most critically: How can our judicial system prevent the weaponization of family court processes to erase one parent from a child's life without justification?

At stake are not only the rights of this Relator, but the integrity of a judicial process that thousands of Texas families rely upon during their most vulnerable moments. The children at the center of this case—like all children in similar proceedings—deserve a process that honors the Texas Family Code's mandate that their best interests remain paramount, a mandate that can only be fulfilled when both parents receive the full measure of procedural protections guaranteed by our constitution, and when the fostering of parental bonds is prioritized over their erasure.

II. Reasons for Consolidation

When deciding whether to consolidate mandamus petitions, the Supreme Court of Texas evaluates several key factors to determine if consolidation would serve judicial efficiency and the interests of justice. Primary considerations include the significance of the legal issues to both the parties involved and Texas jurisprudence as a whole, as demonstrated in *Elec. Reliability Council of Tex., Inc. v. Panda Power Generation Infrastructure Fund, LLC (In re Panda Power Infrastructure Fund, LLC)*, 619 S.W.3d 628 (Tex. 2021). The Court also weighs the significance of the issues, whether the petitions have important implications for the State's jurisprudence, and whether consolidation would promote the fair and efficient handling of the matters, and whether it would serve the convenience of parties and witnesses.

1. Importance of Issues to the Parties and State Jurisprudence

A primary reason for the Supreme Court of Texas to consolidate mandamus petitions is the significance of the legal issues to both the parties and the state's jurisprudence. This was clearly demonstrated in *In re Panda Power Infrastructure Fund, LLC*, where the Court explicitly stated: "We granted review and consolidated the two causes because these issues—which include whether the Texas Public Utility Commission has exclusive jurisdiction over Panda's claims and whether sovereign immunity applies to ERCOT and protects it from Panda's

suit—are important to the parties and to our state's jurisprudence." *Id.* 619 S.W.3d 628 (Tex. 2021)

This passage reveals that the Court considers two dimensions of importance when deciding to consolidate: (1) the significance to the specific parties involved in the litigation, and (2) the broader impact on Texas jurisprudence. When mandamus petitions raise questions that have far-reaching implications for Texas law or involve fundamental jurisdictional questions, the Court may be more inclined to consolidate them to ensure consistent, comprehensive treatment of these significant legal issues.

2. Constitutional Oversight of the Administration of Justice

The Supreme Court's constitutional role in overseeing the administration of justice in Texas is another factor that may influence its consolidation decisions. In *In re McAllen Medical Center, Inc.*, 275 S.W.3d 458 (Tex. 2008), the Court recognized that "harm to the judicial system, affecting our constitutional obligation to oversee the administration of justice and the rights of all Texans to a fair and efficient judicial system, is a basis for acting by mandamus."

This statement suggests that the Court may consider whether consolidation of mandamus petitions would serve its broader constitutional obligation to ensure a fair and efficient judicial system. When separate mandamus proceedings might lead to inconsistent rulings or undermine the integrity of the judicial system,

consolidation may be appropriate to fulfill this constitutional oversight role.

III. Application of Key Consolidation Factors

The matters before this court, in totality, highlight a rare, and perhaps historic, opportunity to showcase the integrity of the Judicial system in Texas. As mentioned in the Hon. Stone Mandamus:

“This Court's intervention is necessary not only to rectify the specific injustice suffered by Relator and his children but also to reaffirm the fundamental principle that Texas courts must provide a meaningful forum for litigants, especially in emergencies involving child safety, and must perform their ministerial duties without bias or arbitrary refusal.” [25-0367](#) at [p. 16-17](#).

A. Importance of Issues to the Parties and State Jurisprudence

The five mandamus petitions raise issues of profound importance both to the parties involved and to Texas jurisprudence as a whole. As articulated in *In re Panda Power Infrastructure Fund, LLC*, 619 S.W.3d 628 (Tex. 2021), the Court considers "issues... important to the parties and to our state's jurisprudence" as primary factors favoring consolidation. For the Relator, these petitions collectively represent his only pathway to meaningful judicial review after fourteen months of procedural obstacles. Each petition addresses a distinct but interconnected procedural irregularity that has prevented adjudication on the merits: The [25-0426](#) mandamus addresses improper recusal procedures that violated Rule 18a; the [25-0367](#) challenges judicial inaction on emergency

motions affecting parental rights; the [25-0361](#) mandamus questions the authority of an associate judge to issue orders without written agreement or unrevoked waiver; the [25-0378](#) mandamus challenges improper case consolidation conducted without notice or hearing and in violation of local rules; and the [25-0458](#) mandamus addresses summary denial of recusal through the selective use of Rule 18a of the Texas Rules of Civil Procedure.

These issues transcend the individual case and implicate fundamental questions of Texas jurisprudence, including: The proper implementation of recusal procedures under Rule 18a; The ministerial duty of courts to hear properly filed emergency motions; The scope of associate judge authority under Texas Family Code; The requirements for proper consolidation under local rules; and The protection of fundamental parental rights in Texas family courts. As noted in the Stone Mandamus, these issues reflect broader systemic concerns in Texas family courts, where a 2020 Texas Home School Coalition analysis found courts "failed to protect parents' constitutional rights more than 78% of the time" in certain contested suits. This statistical evidence elevates these petitions beyond individual grievances to matters of statewide jurisprudential significance.

B. Constitutional Oversight of the Administration of Justice

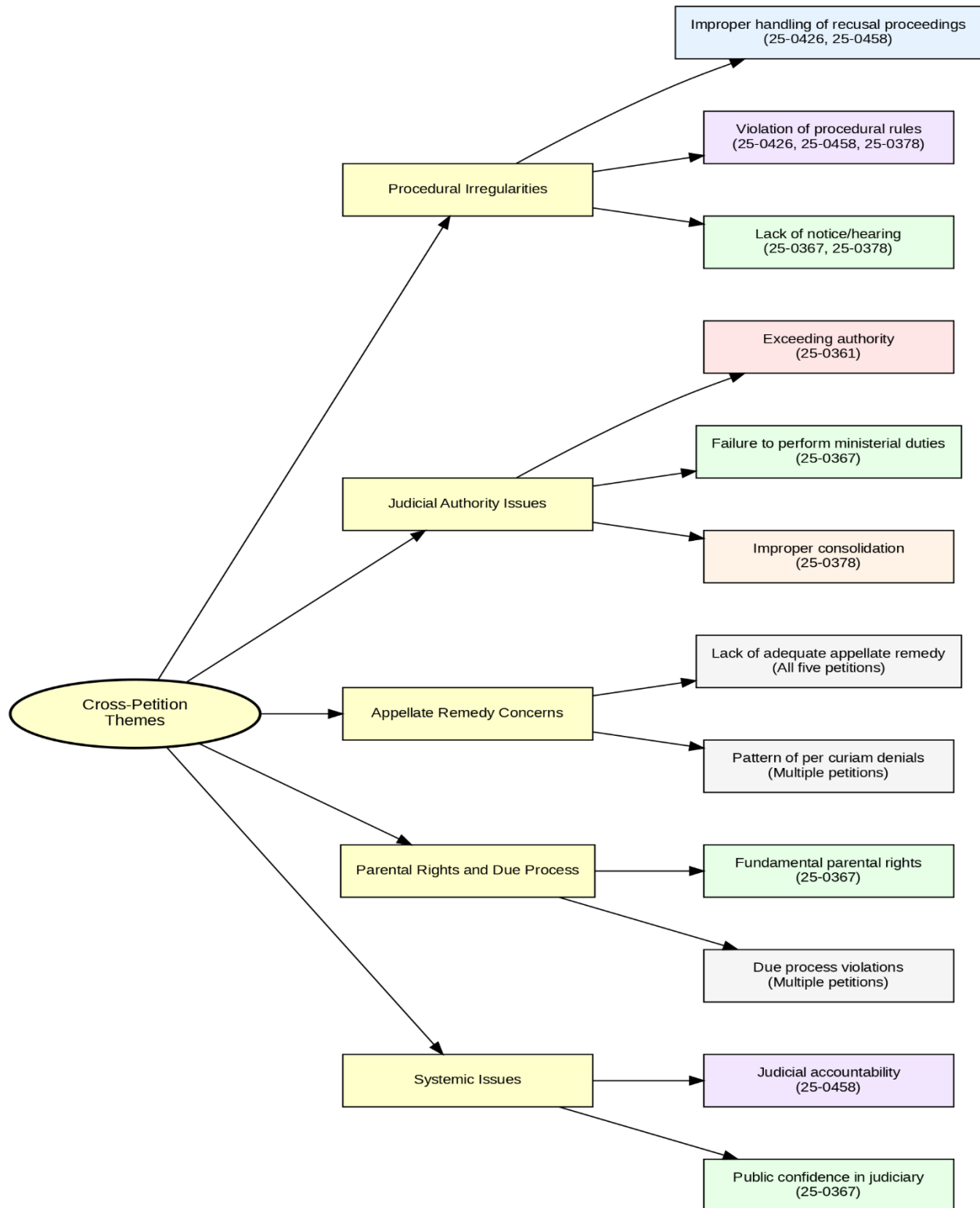
The Supreme Court's decision in *McAllen* "constitutional obligation to

oversee the administration of justice and the rights of all Texans to a fair and efficient judicial system" provides another compelling reason for consolidation. The five mandamus petitions collectively reveal a pattern of procedural irregularities that have effectively denied the Relator access to meaningful judicial review for fourteen months. As noted in the Stone Mandamus, recent signals point to declining public confidence in Texas courts, with polls suggesting "current trust/satisfaction is significantly lower – in the mid-40s to 50s percentage range." See [25-0367](#) mandamus at [p. 10](#).

Addressing these interconnected procedural issues through consolidated review would serve the Court's constitutional interest in maintaining public confidence in the judiciary. The five mandamus petitions share a common factual background, involving the same parties and underlying family law dispute, and all stem from the same litigant seeking un-opposed relief.

If mandamus were ever appropriate – it is here that at the very least, proper legal analyzation should occur given the extraordinary circumstances before this Court. Below are some visual maps, including FIGURE 1 that highlights each issue raised across all five mandamus petitions, and how they all share two common threads: the lack of an appellate remedy, and an abuse of discretion through due process concerns.

FIGURE 1 – SYSTEMIC IMPORTANCE MAP



IV. Silence as the Opponent

In addition to the overlapping factual context and legal standards at issue, these proceedings share another unifying feature: a complete lack of opposition. At every level—trial, appellate, and now before this Court—the Real Party in Interest has failed to file a single substantive response disputing the factual record or contesting the relief sought. This prolonged and unexplained silence, despite repeated service and opportunity, underscores the procedural breakdown at issue and heightens the urgency of a coordinated judicial response. Consolidation would allow the Court to address these unanswered legal questions comprehensively, ensure consistent treatment, and safeguard the fundamental rights at stake without risking fractured outcomes or duplicative rulings.

This silence is not merely procedural—it is constitutional in consequence. For more than a year, the Real Party in Interest has prosecuted no claims, responded to no motions, and filed no evidence in rebuttal to the numerous, well-documented pleadings presented by the Relator. Despite being served with dispositive motions, sworn declarations, discovery requests, and appellate filings, there has been no meaningful participation in the adversarial process. Such a lopsided posture, absent corrective review, risks normalizing default governance without due process—a result that the Texas Constitution does not permit and this Honorable Court has the exclusive power to rectify.

IV. Conclusion

The consolidation of these mandamus petitions presents this Court with an opportunity to address a pattern of procedural irregularities that, when viewed collectively, reveal systemic failures in the administration of justice and raise questions of substantial importance.

The party responsible for this ordeal remains silent, but this Court need not be. It can speak clearly to affirm that in Texas, justice requires more than procedural expediency—it requires meaningful hearings, evidentiary findings, and the preservation of parental bonds absent clear and convincing evidence that those bonds should be severed. The abuse of protective orders should not be taken lightly by this Court. Does an intentional disruption of the parent-child bond constitute family violence? In this instance, the Relator contends that it does.

For these reasons, Father respectfully requests that this Court grant the Motion to Consolidate these mandamus petitions and provide the emergency relief necessary to protect the fundamental rights at stake while these important issues are considered, such as granting the pending motion(s) to stay in cases 25-0361 and 25-0426.

The Relator, at the very least, deserves to regain what was taken from him – his home, his children, his business – and be provided with an equal say in the dissolution of his marriage that will serve the best interests of his children.

If there were ever a time for this Court to grant relief, it is now—before the Court's recess and during the children's summer break. This timing is not merely a matter of convenience but of profound significance for this family's healing. Granting relief now would allow Father to return home and be with his children every day while Mother works. If Mother chooses to reside elsewhere, that is her prerogative, but she should not be rewarded for manipulating the legal process, making no opposition to Father's legitimate concerns, and then benefiting from that silence. The judicial system must not incentivize such tactics, which undermine the very foundation of adversarial proceedings designed to uncover truth.

V. Prayer

WHEREFORE, PREMISES CONSIDERED, Relator Charles Dustin Myers respectfully prays that this Honorable Court:

1. GRANT this Third Amended Motion to Consolidate the five pending mandamus proceedings (Cause Nos. [25-0361](#), [25-0367](#), [25-0378](#), [25-0426](#), and [25-0458](#)) into the first filed case of [25-0361](#);
2. ISSUE an emergency stay as soon as possible pursuant to Texas Rule of Appellate Procedure 52.10(a) to preserve the status quo while this Court considers the consolidated petitions;
3. GRANT such other and further relief to which Relator may show himself justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers
Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693
Pro-se relator

CERTIFICATE OF COMPLIANCE

Relator certifies that he has made diligent efforts to notify all parties, and that all parties are duly aware of the Relator's request for an emergency stay, including the stay filed in case 25-0361, and case 25-0426. No response has been received from any party in any case opposing such relief. This paragraph complies with Tex. R. App. P. 52.10(a) which must be disclosed prior to temporary relief being issued in the form of a stay.

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:

Envelope ID: 101369761

Filing Code Description: Unlisted

Filing Description: Third Amended Motion to Consolidate

Status as of 5/29/2025 9:56 AM CST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------------------|-----------|--------------------------------|----------------------|--------|
| CHARLES DMYERS | | CHUCKDUSTIN12@GMAIL.COM | 5/29/2025 9:52:06 AM | SENT |
| HONORABLE JEFFREY NKAITCER | | LKBaker@tarrantcountytx.gov | 5/29/2025 9:52:06 AM | SENT |
| Deterrean Gamble | | deterrean.gamble@oag.texas.gov | 5/29/2025 9:52:06 AM | SENT |
| Nicole Loya | | nicole.loya@oag.texas.gov | 5/29/2025 9:52:06 AM | SENT |
| MORGAN MICHELLEMYERS | | MORGANMW02@GMAIL.COM | 5/29/2025 9:52:06 AM | SENT |
| Matthew Deal | | matthew.deal@oag.texas.gov | 5/29/2025 9:52:06 AM | ERROR |