

NO. 322-744263-23

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two
children*)

MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Respondent.

2025-04-28

NOTICE OF NON APPEARANCE AND
OBJECTION TO FINAL TRIAL SETTING

TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Respondent, appearing specially and under continuing objection, files this **Notice of Protest, Objection to Final Trial Setting, and Non-Appearance Under Duress**, respectfully showing the Court as follows:

I. Procedural History of Deprivation

Since the inception of these proceedings, **each physical appearance** made by CHARLES MYERS before this Court has resulted in substantial and escalating deprivation of fundamental rights:

1. First Appearance:

CHARLES MYERS appeared voluntarily to show cause why a protective order should not be entered against him, yet was immediately deprived of **exclusive residence** in his home and **custody of his children** without a proper evidentiary hearing or findings of fact supporting such drastic relief. This occurred on January 16, 2024.

2. **Second Appearance:**

Despite efforts to present meritorious issues, proceedings were **delayed**, providing no meaningful relief, and prolonging injury to familial and property rights due to Petitioner, MORGAN MYERS, retaining counsel minutes before the scheduled reset for January 22, 2024.

Third Appearance:

CHARLES MYERS was **coerced into signing a purported "settlement agreement"** under duress by his own attorney, without genuine consent, and under threat of further deprivation, leading to his termination and subsequent challenge of the proceedings. This occurred on February 1, 2024.

Fourth Appearance:

CHARLES MYERS appeared to **challenge the fraudulent settlement**; however, despite the lack of any opposition on record, relief was **denied**, and CHARLES MYERS was **ordered to sign an agreement** to which he never lawfully consented. This occurred on March 14, 2024.

II. Present Circumstances Justifying Non-Appearance

At this time, multiple critical matters remain pending, unresolved, or have been unlawfully denied, including:

- i. A **Rule 12 challenge** to the authority of opposing counsel, leaving the question of proper representation unresolved;
- ii. **Emergency motions for relief** wrongfully denied without evidentiary hearing, findings, or adequate process;
- iii. **Procedural injuries and prejudice** inflicted upon the parties' minor child during the Court's delay and refusal to act, now culminating in physical injury to the child;
- iv. **Plea to the Jurisdiction** pending, which deprives the Court of authority to proceed to any final trial setting without proper adjudication;
- v. **Motion to Recuse**, properly filed pursuant to Rule 18a, which under Texas law mandates suspension of further substantive action pending its resolution.

Given the Court's documented pattern of **procedural violations, due process deprivations**, and **disregard for objections**, any further appearance at this stage by CHARLES MYERS would expose him to **additional irreparable harm** without meaningful protection.

III. Formal Objection and Protest

Accordingly, CHARLES MYERS respectfully **objects** to any setting of a final trial or other substantive action **until**:

- i. The pending **Motion to Recuse** is heard and ruled upon in accordance with **Rule 18a**;
- ii. The **Plea to the Jurisdiction** is adjudicated;
- iii. The **Rule 12 challenge** to opposing counsel's authority is resolved;

- iv. Full and fair consideration is given to pending emergency relief issues that directly impact the minor child's welfare.

CHARLES MYERS **does not waive** any objection to the Court's jurisdiction, impartiality, procedural regularity, or ability to proceed.

CHARLES MYERS **does not consent** to any final trial setting while these threshold matters remain unresolved.

IV. Preservation of Rights

This filing is made expressly to **preserve** all constitutional, statutory, and procedural rights, including but not limited to:

- Right to **due process** under the Fourteenth Amendment to the U.S. Constitution and Article I, Section 19 of the Texas Constitution;
 - Right to **equal protection of the laws**;
 - Right to a **fair and impartial tribunal**;
 - Right to **appeal** and **seek extraordinary relief** based on further due process violations arising from this Court's conduct.
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PRAYER FOR RELIEF

WHEREFORE, CHARLES MYERS, respectfully requests that the Court:

1. **Take no action** to set final trial or advance the case substantively;

2. **Stay all proceedings** pending resolution of jurisdictional and recusal issues;
3. **Preserve the record** reflecting CHARLES MYERS' formal protest and non-appearance under duress.

Respectfully submitted,

/s/ Charles Myers
CHARLES MYERS
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Watauga, Texas 76148
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Pro Se

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, I certify that a true and accurate copy of the foregoing NOTICE OF NON APPEARANCE AND OBJECTION TO FINAL TRIAL SETTING has been duly served on all parties of record.

Respectfully,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS