

322-744263-23

IN THE 322<sup>ND</sup> DISTRICT COURT  
OF TARRANT COUNTY, TEXAS

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Morgan Michelle Myers, §  
§  
Petitioner, §  
v. §  
§ NOTICE OF RICO COMPLAINT  
Charles Dustin Myers, §  
§  
Respondent. §  
§

And In the interest of M.E.M. and  
C.R.M., two children.

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**TO THE HONORABLE JUDGE OF THIS COURT:**

1. On January 16, 2024, this Court ordered the Respondent to vacate his residence and divested him of the custody of his children, dispossessed him of his business, and failed to consider the facially contradictory and misleading pleadings filed by the Petitioner in this matter, Morgan Michelle Myers.
2. As warned through several pleadings, notices, and several mandamus proceedings – this suit was brought in bad faith by the Petitioner, and there is currently litigation in the Western District of Oklahoma pursuing RICO damages against the Petitioner and her co-conspirator, Daniel Kenneth Branhoover.
3. The Respondent intends to appeal the decision to dismiss the case to the 10<sup>th</sup> Circuit as there exists a circuit split regarding the relatedness and continuity elements of the claim, which were the exact two elements the court found lacking in its' order of dismissal.

4. This notice is respectfully provided to the Court to inform District Judge James Munford, Associate Judge Jeffrey Kaitcer, opposing counsel Cooper L. Carter, court coordinator Lindsey Baker, and Petitioner Morgan Michelle Myers, that if corrective action is not taken regarding the unlawful conduct, explained in more detail below, and his property interests are not restored, he will be left no other choice but to bring a Federal RICO claim in the Northern District of Texas against the individuals named above, which is supported by the following facts already embedded within this case's docket and supporting Federal law and State law:

**I. JUDGE KAITCER, ATTORNEY COOPER L. CARTER, AND PETITIONER MORGAN  
MICHELLE MYERS**

5. On February 1, 2024, the parties signed an agreement that had the following provisions, and was signed by Associate Judge Jeffrey Kaitcer:

**“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.” (DKT NO. 26)**

6. This order was filed with the Clerk on February 8, 2024, and became officially binding. However, three days earlier, on February 5, 2024, the Court was notified that Dan Bacalis had been terminated. (DKT NO. 22) Therefore, the provisions above, as ordered by Associate Judge Jeffrey Kaitcer, could not have possibly been met due to Bacalis' being ordered to, and the parties all agreeing that, he would reduce the agreed associate judge's report to writing.

7. One day later, on February 9, 2024, Respondent filed an EMERGENCY MOTION TO VACATE AND RECONSIDER EVIDENCE, and provided several exhibits and served them on the opposing side which showed clear misconduct by the Petitioner, Morgan Michelle Myers. (DKT NOS. 52-62) No response was ever received by the opposition regarding this motion.

8. On February 22, 2024, after receiving no response from the opposition, Respondent filed a MOTION FOR SUMMARY JUDGMENT asserting that there was no genuine dispute of material facts raised in the motion with included exhibits. (DKT NOS. 67-73)

9. On February 27, 2024, Judge Munford issued a notice of hearing, scheduling the Motion to be heard on March 14, 2024. (DKT NOS. 74,77)

10. On March 3, 2024, Respondent provided notice to the court that he would not be leaving the marital home on March 1, 2024, given that the associate judge's report signed on February 1 had become moot due to Bacalis' termination.

11. On March 6, 2024, Petitioner illegally locked Respondent out of the home by using self-help remedies designed to displace the Respondent from his home and business.

12. On March 14, 2024, the parties appeared, where just minutes before the hearing on Respondent's emergency motion was scheduled to begin, attorney Cooper L. Carter hand-served the reduced version of temporary orders that were agreed to be prepared by Daniel Bacalis. (DKT NO. 92)

13. This document, prepared by Cooper L. Carter, was identified as February 1, 2024, agreed associate judge's report, which states the following misrepresentations:

- i. On February 1, the Court heard Petitioner's Motion for Temporary Orders.
- ii. The parties agree to the terms of this order as evidenced by the signatures below.

iii. The dates of possession of the marital home were altered, giving Respondent access ONLY until March 20, and the Petitioner access ONLY until after March 30, leaving a 10-day gap where no one would occupy the home.

iv. On the last page, it reads “AGREED AND CONSENTED TO AS TO FORM AND SUBSTANCE.”

14. Respondent’s emergency motion was denied without any justification, and in the Associate Judge’s Report signed on 03/14/2024 signed by Judge Kaitcer, Cooper L. Carter, and Petitioner Morgan Michelle Myers, which was prepared by Cooper L. Carter, it stated the following:

- i. It is ordered that Movant’s motion to vacate is denied.
- ii. It is ordered that Movant shall provide Mrs. Myers’ attorney with a list of the technology he needs from the marital home, *for his business*.
- iii. It is ordered that the parties shall present a signed Temporary Orders by regarding the ATR on 2/11/2004 by 1:30 pm today. (DKT. NO 97)

15. Judge Kaitcer, Cooper Carter, and Morgan Michelle Myers knowingly signed a document and compelled the Respondent to sign a document which contained knowingly false statements that would have resulted in a direct injury to the Respondent’s business and property that affects interstate commerce through his clients who are located throughout the United States and Canada.

16. Despite refusing to sign the document, the court rendered it into effect anyway on March 26, 2024, despite the document claiming it was consented to by all parties, despite it being prepared by the wrong attorney, and despite it referencing a hearing which cannot be found on the docket, and despite the terms being unilaterally changed.

## **II. JUDGE JAMES MUNFORD AND COURT COORDINATOR LINDSEY BAKER**

17. On October 7, 2024, Respondent filed a joint motion to recuse District Judge James Munford and Associate Judge Jeffrey Kaitcer. He filed the pleading through the electronic filing manager, and served it upon all parties of record in one document which was hyperlinked, contained all exhibits, and was notarized.(DKT NO. 227)

18. On October 8, 2024, District Judge James Munford sent an order of referral to Regional Presiding Judge David L. Evans, declining to recuse himself. (DKT NO. 227)

19. On October 8, 2024, Court Coordinator Lindsey Baker emailed a receipt of this transaction, where it was discovered that the original motion to recuse, as filed, had been modified to not include the exhibits or the affidavit. (DKT NO. 230-231)

20. Upon pointing this out to Lindsey Baker, she confirmed that the pleading had been e-filed and the full document was in the possession of the court. (DKT NO. 230-231)

21. Unsatisfied with this response, Respondent asked for clarification as to why the document did not include the exhibits and affidavits, and pointed out a significant file size discrepancy between the motion that was submitted to the court, and the one forwarded to the Regional Presiding Judge. (DKT NO. 230-231)

22. No further correspondence was received from Lindsey Baker on this date, and the following day an amended order of referral was emailed to the Respondent, this time with the Respondent's motion split into three separate files. The justification for this modification was allegedly due to the "size of the pleading" as indicated by Lindsey Baker. (DKT NO. 230-231). The pleading's hyperlinks were removed.

23. Based on Federal Law, these actions constitute conduct of an enterprise through a pattern of racketeering activity, as explained below.

### **III. BACKGROUND AND RELEVANT LAW**

#### **A. Federal RICO and Predicate Acts**

24. The Racketeer Influenced and Corrupt Organizations Act (RICO) provides both criminal and civil remedies for injuries caused by a pattern of racketeering activity. To state a civil RICO claim, a plaintiff must allege (1) conduct, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity, and (5) injury to business or property by reason of the racketeering activity. Racketeering activity is defined broadly and includes acts indictable under federal mail and wire fraud statutes, as well as extortion under the Hobbs Act.

25. Extortion under the Hobbs Act includes obtaining property from another, with consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right, and must affect interstate commerce.

#### **B. Texas Law: Fraudulent Securing of Document Execution**

26. Texas Penal Code § 32.46 makes it a criminal offense to cause another person, with intent to defraud or harm, to sign or execute any document affecting property or pecuniary interest without that person's effective consent. This provision is relevant to the claims above that a judge or other party compelled the execution of a document containing false statements that affected the respondent's business or property interests (Tex. Pen. Code § 32.46 Fraudulent Securing of Document Execution, Tex. Pen. Code § 32.46 (2025)). However, this claim would need to be investigated by the Office of the Attorney General.

#### **C. Judicial Immunity**

27. Judicial immunity is a well-established doctrine that protects judges from civil liability for acts performed in their judicial capacity, even if those acts are alleged to be done maliciously or corruptly. However, immunity does not apply to (1) acts taken in the clear absence

of all jurisdiction, or (2) nonjudicial acts. The distinction between judicial and nonjudicial acts, and between acts within and outside jurisdiction, is critical in determining whether immunity applies in this scenario.

#### **IV. Analysis**

##### **D. Compelling Execution of a Fraudulent Order**

28. The facts allege that Associate Judge Kaitcer, attorney Cooper L. Carter, and Petitioner Morgan Michelle Myers knowingly signed and attempted to compel the respondent to sign a court order containing false statements, prepared by the incorrect attorney, and referenced a hearing that did not occur on a motion that was never served on the Respondent.

29. Despite his refusal to sign, the Court rendered this fraudulent order anyway, which affected the respondent's business and property interests, including his ability to serve interstate clients, thus creating an effect on interstate commerce. The use of false statements in a court order, which was intended to deprive the Respondent of property or business interests, could also be viewed as extortion under color of official right because the judge used his position to compel compliance.

30. Under Texas law, causing another to sign a document affecting property or pecuniary interest, with intent to defraud or harm and without effective consent, is a criminal offense (Tex. Pen. Code § 32.46 Fraudulent Securing of Document Execution, Tex. Pen. Code § 32.46 (2025)). Because the respondent was compelled to sign, and because the court rendered the order as if consented to despite his refusal, and because this was done with intent to harm or defraud by the Petitioner and her attorney, this supports a claim of fraudulent document execution under State law.

## **E. Tampering With Court Filings**

31. The facts further allege that after a motion to recuse was filed, court staff (Lindsey Baker) through directive or on her own accord, altered the filing by removing exhibits and affidavits, splitting the document, and removing hyperlinks after the motion was filed and served. Because these actions were plausibly intended to interfere with the respondent's rights and to affect the outcome of the recusal process, and because they involved the use of mail or wire communications, they can also be characterized as predicate acts under RICO.

## **F. Pattern, Relatedness, and Continuity**

32. RICO requires a pattern of racketeering activity, which means at least two predicate acts that are related and amount to or pose a threat of continued criminal activity. The facts allege multiple acts—compelling execution of a false order, tampering with court filings, and possibly other acts—over a period of time, all directed at depriving the respondent of property or business interests which affect interstate commerce. Because these acts are sufficiently related and continuous, they could arguably satisfy the pattern requirement.

## **G. Injury to Business or Property**

33. A civil RICO plaintiff must show direct injury to business or property by reason of the racketeering activity. The Respondent alleges that the false order and related acts deprived him of his business, affected his ability to serve interstate clients, and dispossessed him of property. Because these injuries were proximately caused by the alleged predicate acts, both in causing the harm directly, and preventing equitable relief, this element is satisfied.

## **H. Judicial Immunity: Scope and Exceptions**

34. Judicial immunity generally bars civil suits against judges for acts performed in their judicial capacity, even if those acts are alleged to be done with malice or corruption. However,

immunity does not apply to acts taken in the clear absence of all jurisdiction or to nonjudicial acts.

### **I. Acts in Clear Absence of Jurisdiction**

35. The respondent argues that the associate judge lacked jurisdiction to sign the order because the order was to be prepared by an attorney who had been terminated, and because the emergency motion could be seen as a de novo request, depriving the associate judge of jurisdiction. If a judge acts in the clear absence of all jurisdiction, judicial immunity does not apply. However, courts have interpreted "clear absence of jurisdiction" narrowly; mere legal error or exceeding authority is usually insufficient. The facts would need to show that the judge had no subject-matter jurisdiction whatsoever over the matter, not merely that he acted contrary to procedure or made a legal error.

36. The Respondent asserts that because the original agreement required an attorney who was no longer active on the case to prepare it, and because the agreement had strict time standards ordered by the same judge, and because of the language used in the agreement, he had no jurisdiction to render them into effect.

### **J. Nonjudicial Acts**

37. The respondent also argues that modifying a recusal motion after it was filed is a nonjudicial act, or at least an act outside the scope of judicial function. If the act is administrative or ministerial, rather than judicial, immunity may not apply. However, actions taken in managing court filings are often considered part of the judicial process, unless clearly outside the scope of judicial or quasi-judicial duties. Pursuant to Rule 18a of the Texas Rules of Civil Procedure, when a motion to recuse is filed, the Judge shall take no further action in the case until it is

decided. The act of modifying the recusal after it was filed is an act taken outside of all jurisdiction by statute.

#### **K. Application to Court Staff**

38. Court staff, such as coordinators, may be entitled to quasi-judicial immunity for acts performed at the direction of a judge or as part of the judicial process. However, if the staff member acts outside the scope of their authority or engages in conduct that is not part of the judicial process, immunity may not apply.

#### **V. Predicate Acts**

#### **L. Mail Fraud**

39. The facts allege that false court orders and documents were prepared and entered, containing material misrepresentations about the parties' consent, the identity of the preparer, and the occurrence of hearings. If these documents were transmitted via mail (including electronic court filing systems, which courts have recognized as sufficient for the mail fraud statute), and if the intent was to deprive the respondent of property or business interests, these actions could constitute mail fraud. The elements—scheme to defraud, use of mail, and specific intent—are all potentially satisfied if the facts are as alleged (*U.S. v. Ratcliff*, 488 F.3d 639 (5th Cir. 2007); *Burzynski, In re*, 989 F.2d 733 (5th Cir. 1993); *Heden v. Hill*, 937 F.Supp. 1230 (S.D. Tex. 1996)).

40. The facts allege that Associate Judge Kaitcer, attorney Cooper L. Carter, and Petitioner Morgan Michelle Myers knowingly signed and attempted to compel the respondent to sign a court order containing false statements, prepared by the wrong attorney, and referencing a hearing that did not occur. Despite the respondent's refusal to sign, the court rendered the order

effective, which deprived the respondent of his business and property interests, including his ability to serve interstate clients.

41. Furthermore, the facts further allege that after a motion to recuse was filed, court staff, including Judge Munford and Lindsey Baker altered the filing by removing exhibits and affidavits, splitting the document, and removing hyperlinks after the motion was filed and served. These actions were allegedly intended to interfere with the respondent's rights and affect the outcome of the recusal process.

42. The intent to defraud is supported by the alleged purpose of interfering with the respondent's rights and affecting the outcome of the recusal process. The injury to business or property is present because these actions deprived the respondent of a fair hearing or the ability to protect his business and property interests.

#### **M. Extortion Under the Hobbs Act**

43. The Hobbs Act defines extortion as obtaining property from another, with consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right, and affecting interstate commerce. The facts allege that a judge, attorney, and party knowingly signed and attempted to compel the respondent to sign a court order containing false statements, which would have resulted in direct injury to the respondent's business and property, including his ability to serve interstate clients. If the judge or other officials used their official position to obtain property or business interests from the respondent to which they were not entitled, this could constitute extortion under color of official right. See *U.S. v. Edwards*, 303 F.3d 606 (5th Cir. 2002)).

43. The effect on interstate commerce is satisfied by the alleged deprivation of the respondent's business interests, which involved clients in multiple states and Canada.

## **N. Specific Intent to Defraud**

43. The specific intent to defraud is supported by the allegations that the order contained knowingly false statements, was prepared by the wrong attorney, and was rendered effective despite the respondent's refusal to sign and the lack of a proper hearing. The deprivation of business and property interests, especially those affecting interstate commerce, satisfies the injury requirement for a RICO claim (*Green v. Davis*, Civil Action 23-359-BAJ-EWD (M.D. La. May 30, 2023)).

44. Additionally, the use of judicial authority to compel compliance with a fraudulent order could be characterized as extortion under color of official right, another recognized predicate act under RICO (*Abraham v. Singh*, 480 F.3d 351 (5th Cir. 2007)).

## **O. Pattern of Racketeering Activity**

45. RICO requires a pattern of racketeering activity, meaning at least two predicate acts that are related and amount to or pose a threat of continued criminal activity (*Megatel Homes, LLC v. Moayedi*, Civil Action 3:20-CV-00688-L (N.D. Tex. Nov 16, 2021); *D&T Partners v. Baymark Partners LP*, Civil Action 3:21-CV-1171-B (N.D. Tex. Oct 21, 2022)). The facts allege multiple acts—compelling execution of a fraudulent order, tampering with court filings, and possibly other acts—over a period of time, all directed at depriving the respondent of property or business interests affecting interstate commerce.

46. Because these acts are sufficiently related (i.e., part of the same scheme to deprive the respondent of property and business interests through the same Family Law matter) and continuous (i.e., has been pending for nearly two years with a facially troubling record), they satisfy the pattern requirement for a RICO claim (*Megatel Homes, LLC v. Moayedi*, Civil Action

3:20-CV-00688-L (N.D. Tex. Nov 16, 2021); *AJ Holdings of Metairie, LLC v. Fischbein*, Civil Action 21-318 (E.D. La. Jan 31, 2022)).

## **VI. Conclusion**

47. Assuming all facts as true, the conduct described herein could constitute federal predicate acts of mail fraud, as well as potential extortion under color of official right, all of which are recognized predicate acts for RICO purposes. These acts include the use of electronic and mail communications to further a scheme to defraud the respondent of property and business interests through fraudulent court orders and tampering with court filings.

48. Despite the significant obstacle of judicial immunity in this circumstance, the Court has left the Respondent no choice but to pursue these claims to protect his children, expose the Petitioner's criminal activity that's the foundation for all of this, and to substantiate his claims that have been on the record, unopposed, and unaddressed for nearly two years.

49. Judicial and quasi-judicial immunity generally shield judges and court staff from civil liability for acts performed in their judicial capacity and within their jurisdiction, but this immunity does not apply to nonjudicial acts or acts taken in the clear absence of all jurisdiction; thus, if the judge and coordinator altered a recusal motion after it was filed—an act arguably outside judicial capacity and jurisdiction—they may not be immune. By contrast, attorneys and private parties (such as opposing counsel and the Petitioner) do not enjoy judicial immunity and may be liable under RICO.

50. This notice is not an effort to harass, intimidate, or threaten the Court, the opposing counsel, court staff, or the Petitioner. These are merely the facts that are facially supported by the record.

50. The Respondent prays that this Court take action, effectuate justice, and prevent the Petitioner's illegal scheme that rests at the foundation of this case from wasting any more judicial resources than it already has, or from creating more victims due to the Petitioner's actions.

51. Because the Court is unwilling to address these critical issues, including the complete lack of prosecution by the opposing side, and considering this Court *sua sponte* set this matter for final trial, thereby threatening to permanently divest Respondent of his interests, he has been left no other choice but to pursue these claims to protect his children, himself, and their collective livelihood.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
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PRO-SE

## **CERTIFICATE OF SERVICE**

Pursuant to the Texas Rules of Civil Procedure Rule 21a, a true and accurate copy of this NOTICE OF RICO LITIGATION has been served on all parties of record through the Supreme Court approved Electronic Filing Manager on 9/4/2025.

Respectfully submitted,

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