

NO. 24-0395

NO. ____ SW3d ____, 04-10-24

NO. 322-744263-23 & NO. 322-744538-23

Morgan Michelle Myers v Charles Dustin Myers

OBJECTION

Proceedings arising from the 322nd District Court

-&-

On Petition for Writ of Mandamus from the Second Court of Appeals,

Tarrant County, Texas

-&-

In the Supreme Court of Texas,
Austin.

NO. 322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

**IN THE MATTER
OF THE MARRIAGE OF
MORGAN MICHELLE MYERS
AND CHARLES DUSTIN MYERS**

**AND IN THE INTEREST OF MARA
MYERS AND CAROLINE MYERS,
CHILDREN**

**OBJECTION AND REQUEST
TO DOCKET**

Respondent respectfully objects to the handling of the case documents regarding the joint motion to recuse filed on October 7th, 2024 for the foregoing reasons:

I. FAILURE TO DOCKET

1. Respondent's motion to recuse has not been docketed on the research Texas platform. Metadata from the efile Texas platform shows the last docketed pleading to be the Respondent's Proposed Order on Rule 12 Motion (id # 7f9852d3f4205e0083d02b0536696131) See attached *Exhibit A*.
2. The correspondence to Regional Judge David Evans from District Judge James Munford has not been docketed.
3. The amended order of referral signed on October 9th, 2024, by District Judge James Munford has not been docketed.

4. The correspondence and order of referral to Regional Judge David Evans from Associate Judge Jeffrey Kaitcer signed October 10th, 2024, has not been docketed.

II. RELEVANT COURT RULES

5. According to **Rule 25** and **Rule 26** of the Texas Rules of Civil Procedure, the clerk is required to maintain a **file docket** and a **court docket** that record all filings, motions, orders, and proceedings in a case. The failure to properly docket these documents violates these rules and further compromises the integrity of the case record.

III. INCONSISTENT RESPONSES AND FAILURE TO FOLLOW PROTOCOL

6. The Respondent was initially informed via email that the exhibits and affidavits had been filed. However, after the Respondent pointed out discrepancies in file size, the explanation changed to the document being too large. This inconsistency raises concerns about transparency and procedural fairness. *Exhibit B*

7. As outlined in the [Tarrant County FAQ](#), Respondent's original submission of 20 MB was well within the 36 MB limit, and the Respondent followed all proper e-filing procedures. Despite this, the filing was forwarded to the regional judge without the exhibits and affidavits and later split into three sections due to the supposed size limit—yet the documents were never subsequently docketed.

IV. THE ONLY RECEIPT CONTAINS THE INCORRECT PLEADINGS

8. Despite the emails sent to the Respondent from the court coordinator Lindsey Baker, there is no official receipt that the correct motion, as filed, was delivered to the regional judge from either respondent.

9. The motion as originally filed was modified for reasons that did not remain persistent. The reasoning given related to file size contradicts the FAQ from the Tarrant County District Clerk. If a separate system is used to forward these files to the Regional Judge, the Respondent respectfully requests that this be clarified given the severity of the situation.

CONCLUSION AND REQUEST

Given the persistent inconsistencies, failure to properly docket the Respondent's filings, and the lack of transparency surrounding the handling of crucial case documents, Respondent Charles Dustin Myers formally objects to the actions of the 322nd District Court and requests immediate correction of the docketing failures. Furthermore, Respondent requests validation that the correct motions and accompanying exhibits were forwarded to the regional judge as originally filed. The files officially served to the Respondent via eFile do not contain the original joint motion. In light of these ongoing procedural issues, Respondent reserves the right to seek further remedies unless proper procedural requirements are followed to ensure equal protection under the United States Constitution.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Chuckdustin12@gmail.com
817-507-6562
Pro-se

CERTIFICATE OF SERVICE

Respondent certifies that a true copy of this objection/request was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **10/10/2024:**

Cooper L. Carter (counsel for petitioner)
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

Morgan Michelle Myers (petitioner)
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

HOLLY HAYES (OAG)
By EMAIL/ESERVE at CSD-Legal-914@oag.texas.gov

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 Anne Court
Watauga, TX 76148
Chuckdustin12@gmail.com
817-507-6562
Pro-se

EXHIBIT A

CASE METADATA - RESEARCH TX AS OF
10/10/24

description	submitter_name	docketed
ORDER ON RULE 12 MOTION	CHARLES D MYERS	2024-09-20T15:31:19.923
RULE 12 MOTION TO SHOW AUTHORITY	CHARLES D MYERS	2024-09-20T15:31:19.923
Second Amended Counterpetition for Divorce	CHARLES D MYERS	2024-07-05T10:12:38.757
Objection to Title-IV Intervention	CHARLES D MYERS	2024-07-01T00:00:00
INTE	Officer Filer 914	2024-06-28T12:35:54.01
MOTION FOR JOINDER OF PERSONS NEEDED FOR JUS	CHARLES D MYERS	2024-06-24T00:00:00
Notice of Completion - Children in the Middle	CHARLES D MYERS	2024-04-30T23:19:08.233
Objection to Motion for Pre-trial Conference	CHARLES D MYERS	2024-04-24T17:13:59.06
MOTION FOR PRETRIAL CONFERENCE	Roderick D Marx	2024-04-24T09:58:31.463
FIRST AMENDED NOTICE OF FILING OF ORIGINAL PRO	CHARLES D MYERS	2024-04-04T13:40:56.46
NOTICE OF FILING ORIGINAL PROCEEDING AND MOTI	CHARLES D MYERS	2024-04-03T10:32:30.553
Request for Findings of Fact and Conclusions of Law	CHARLES D MYERS	2024-03-26T17:15:46.607
	Sherma Proctor Lucas	2024-03-26T15:19:25.047
	Sherma Proctor Lucas	2024-03-26T15:19:25.047
Second Amended Notice of Judicial Review	CHARLES D MYERS	2024-03-26T00:00:00
Request for Clerk to Prepare Record	CHARLES D MYERS	2024-03-26T00:00:00
First Amended Notice of Judicial Review	CHARLES D MYERS	2024-03-22T17:49:29.86
Notice of Judicial Review	CHARLES D MYERS	2024-03-21T10:47:25.967
Respondent's Required Initial Disclosures	CHARLES D MYERS	2024-03-04T14:15:00.67
Notice / Unsworn Declaration	CHARLES D MYERS	2024-03-04T00:00:00
	Cynthia Cotman	2024-02-27T12:33:14.78
Proposed Order for the Motion for Partial Summary Jud	CHARLES D MYERS	2024-02-22T11:23:08.213
Motion for Partial Summary Judgement	CHARLES D MYERS	2024-02-22T11:23:08.213
RESPONDENT'S ANSWER TO PETITIONER'S FIRST AME	CHARLES D MYERS	2024-02-14T23:02:22.3
ORD FOR W/D	Veronica Luna	2024-02-12T16:31:39.78
EMERGENCY MOTION TO RECONSIDER EVIDENCE AN	CHARLES D MYERS	2024-02-09T15:17:19.787
AGD ORD TO CONSOL	Veronica Luna	2024-02-08T14:29:20.003
AGD AJ REP	Veronica Luna	2024-02-08T14:29:20.003
Agreed Motion for Withdrawal of Attorney	Lindsey McNabb	2024-02-06T16:28:16.837
Notice of Change in Legal Representation in Case No. :	CHARLES D MYERS	2024-02-05T20:36:43.217
FIRST AMENDED PETITION FOR DIVORCE	Roderick D Marx	2024-01-31T17:08:20.873
First Amended Counterpetition for Divorce	Tammy Johnson	2024-01-31T14:51:39.407

EXHIBIT B

EMAIL CORRESPONDENCE



Charlie Vids <chuckdustin12@gmail.com>

Myers 322-744263-23

4 messages

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>

Tue, Oct 8, 2024 at 4:42 PM

To: Charlie Vids <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>, "CSD-legal-914@oag.texas.gov" <csd-legal-914@oag.texas.gov>

Attached for your records please find correspondence from Judge Munford to Judge Evans and an Order of Referral.

Thank you.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

[200 E. Weatherford, 4th floor](#)

Fort Worth, Texas 76196

Phone: (817) 884-1597

2 attachments

Correspondence.pdf
33K

Myers-Order of Referral.pdf
1096K

Charlie Vids <chuckdustin12@gmail.com>
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Tue, Oct 8, 2024 at 6:29 PM

Dear Lindsay Baker,

I hope this email finds you well. I am writing to inform you that my Motion to Recuse, referenced in your message, may have been forwarded without the attached exhibits and affidavits that are critical to the motion.

The exhibits and affidavits provide necessary evidence and support for my claims, and it is important that the court has access to the full record. Could you please confirm whether these documents were received with my motion? It raises further concern that they are missing.

Please let me know the appropriate process to ensure that these documents are added to the court's record. Thank you for your attention to this matter.

I have attached a copy that was submitted and is available for download via the re-search Texas platform, which differs from the document attached in your prior email as it does not contain the relevant exhibits.

Please inform as soon as possible.

Best regards,

Charles Myers
Chuckdustin12@gmail.com
[Quoted text hidden]

 **JOINT MOTION TO RECUSE (8).pdf**
19741K

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
To: Charlie Vids <chuckdustin12@gmail.com>

Tue, Oct 8, 2024 at 10:43 PM

The exhibits were e-filed and are included in the Courts file.

If you received a Notice of Dismissal, you **MUST** file a Motion to Retain. The Motion **MUST** be **SET, HEARD** and concluded with a **SIGNED ORDER TO RETAIN**.

DO NOT EMAIL ME FOR A SETTING REGARDING THE DWOP.

YOU MUST APPEAR IN PERSON TO SET THE HEARING.

All Orders that require the Judge's signature must be presented in person and will not be processed through e-filing.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

From: Charlie Vids <chuckdustin12@gmail.com>
Sent: Tuesday, October 8, 2024 6:29 PM
To: Lindsey K. Baker <LKBaker@tarrantcountytexas.gov>
Subject: Re: Myers 322-744263-23

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

Charlie Vids <chuckdustin12@gmail.com>
To: "Lindsey K. Baker" <LKBaker@tarrantcountytexas.gov>

Wed, Oct 9, 2024 at 12:06 AM

Dear Ms. Baker,

Thank you for your response, and would just ask for some clarification on a couple of things.

There are noticeable discrepancies between the file I submitted, accepted and available on the reSearchTX platform versus what appears in the court's receipt to the Regional Judge. My original submission was 20.21 MB, while the version in the courts email is 423 KB. Additionally, my receipt provides no indication that the exhibits were filed alongside the motion, particularly the affidavit, which is referenced in the table of contents.

The document I submitted was also hyperlinked, but those links are missing in the court's receipt.

Could you please clarify which court system the file is currently in and explain for what purpose the file was modified to appear as if it were an unverified motion?

I would appreciate your prompt attention to this matter at your earliest convenience.

Best regards,

Charles Myers
Chuckdustin12@gmail.com

[Quoted text hidden]

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 93024186

Filing Code Description: Request

Filing Description:

Status as of 10/10/2024 2:21 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	10/10/2024 12:54:32 PM	SENT
Cooper L.Carter		cooper.carter@majadmin.com	10/10/2024 12:54:32 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	10/10/2024 12:54:32 PM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	10/10/2024 12:54:32 PM	SENT