

Question

II. JUDGE KAITCER, ATTORNEY COOPER L. CARTER, AND PETITIONER MORGAN MICHELLE MYERS – EXTORTION AND CONSPIRACY TO COMMIT EXTORTION 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. The Texas Family Code and Government Code set out the procedures and consequences for requesting a de novo hearing following an associate judge’s report or temporary order. In family law and juvenile matters, a party must file a written request for a de novo hearing with the clerk of the referring court no later than the third working day after receiving notice of the associate judge’s report or temporary order, as provided in Texas Family Code sections 201.015 and 201.317, respectively (Tex. Fam. Code § 201.015; Tex. Fam. Code § 201.317). For other civil matters, the deadline is seven working days (Tex. Gov’t. Code § 54A.115). 8. Crucially, the filing of a timely request for a de novo hearing divests the associate judge of jurisdiction over the matters specified in the request, transferring authority to the referring court (Tex. Fam. Code § 201.015; Tex. Fam. Code § 201.1041; Tex. Fam. Code § 201.2041). The Family Code further provides that only the referring court may hear and render orders on motions for post judgment relief, including motions for new trial or to vacate, correct, or reform a judgment (Tex. Fam. Code § 201.104). 9. 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 AJR on 2/1/2024 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 the same document which contained knowingly false statements that 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. (DKT NO. 96) In fact, the docket reflects only one appearance made by Morgan Michelle Myers in this matter which occurred on January 16, 2024. (DKT NO. 45). 17. Crucially, when a party files a timely request for a de novo hearing, the associate judge is immediately divested of jurisdiction over the specified matters, and the referring court assumes exclusive authority (In re Laurie, 691 S.W.3d 769 (Tex. App. 2024); In re Harris (Tex. App. Feb. 29, 2024); In re R.P. (Tex. App. Aug. 30, 2023); In re T.A., 02-24-00509-CV (Tex. App. Jul 17, 2025)). 18. Therefore, judicial immunity is not at issue, and the predicate acts committed by these individuals, as explained in more detail below, form the basis for the RICO complaint. III. JUDGE JAMES MUNFORD AND COURT COORDINATOR LINDSEY BAKER 19. On October 7, 2024, Respondent filed a joint motion to recuse District Judge James Munford and Associate Judge Jeffrey Kaitcer through the electronic filing manager, serving all parties with one hyperlinked document containing all exhibits and notarized affidavits (DKT NO. 227). This recusal was filed in good faith after all appellate efforts were denied without explanation. See Cause No. 24-0395. 20. On October 8, 2024, Judge Munford sent an order of referral and ruling letter to Regional Presiding Judge David L. Evans, declining to recuse himself (DKT NOS. 228-229). 21. On October 8, 2024, Court Coordinator Lindsey Baker emailed a receipt showing the original motion had been modified to exclude exhibits

and affidavits (DKT NOS. 230-231). 22. When Respondent pointed this out, Baker confirmed the pleading had been e-filed and the full document was in the court's possession (DKT NOS. 230-231). 23. Respondent asked for clarification about the missing exhibits and affidavits, noting a significant file size discrepancy between the submitted motion and the one forwarded to the Regional Presiding Judge (DKT NOS. 230-231). 24. No further correspondence was received from Baker that day, and the following day an amended order of referral and ruling letter was emailed to Respondent, with his motion split into three separate files, allegedly due to the "size of the pleading" (DKT NOS. 232-233). The pleading's hyperlinks were removed. 25. The Texas Supreme Court's decision in *In re Rio Grande Valley Gas Co.* is particularly instructive. The Court interpreted Rule 18a to require that, after a recusal motion is filed, the judge must forward the motion and all related materials in their original form or as certified copies, and must refrain from taking any further action in the case except for good cause stated in the order. The removal of exhibits and affidavits is a substantive alteration that violates this requirement. IV. ANALYSIS – PREDICATE ACTS A. Compelling Execution of a Fraudulent Order (HOBBS ACT) 26. The facts allege and the record confirms 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. 27. 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 on a motion he had no jurisdiction to hear. 28. The conduct described herein—compelling Respondent to sign or comply with a court order containing knowingly false statements, prepared by the wrong attorney, and referencing a non-existent hearing—constitutes extortion under color of official right as defined by 18 U.S.C. § 1951 (the Hobbs Act), as it involves the wrongful use of judicial authority to obtain, or help another obtain, property or business interests, and it affects interstate commerce. B. Tampering With Court Filings 29. 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. IV. ADDITIONAL PREDICATE ACTS INVOLVING THE OFFICE OF ATTORNEY GENERAL 30. Respondent reminds this Court that the Office of Attorney General has attempted to collect child support that is not legally owed by Respondent, which constitutes the collection of an unlawful debt under RICO. (DKT NO. 216) 31. The collection efforts involved documents containing fraudulent or mismatched attorney signatures. Specifically, pleadings submitted to this Court were signed by Holly Hayes, yet the certificates of service identify Choya Burkley as the attorney of record. Upon

information and belief, Holly Hayes no longer works for the OAG, raising serious questions about these documents' authenticity and legality. 32. The use of improper signatures on legal documents filed with this Court to collect an unlawful debt constitutes mail and/or wire fraud under 18 U.S.C. §§ 1341 and 1343, as these documents were transmitted through electronic filing systems and/or physical mail. 33. Under RICO, the collection of unlawful debt is explicitly recognized as a standalone basis for liability, independent from the requirement to show a pattern of racketeering activity. 18 U.S.C. § 1962(c). 34. Based on personal belief, Respondent asserts that the intervention filed by the OAG, was, in fact, fraudulent. Accordingly, a copy of this notice will be forwarded to the Attorney General of Texas. V. LEGAL FRAMEWORK A. Federal RICO and Predicate Acts 35. The Racketeer Influenced and Corrupt Organizations Act (RICO) provides both criminal and civil remedies for injuries caused by a pattern of racketeering activity or collection of unlawful debt. To state a civil RICO claim, a plaintiff must allege: i. Conduct of an enterprise; ii. Through a pattern of racketeering activity or collection of unlawful debt; iii. Causing injury to business or property; iv. Affecting interstate commerce. 32. Racketeering activity includes acts indictable under federal mail and wire fraud statutes (18 U.S.C. §§ 1341, 1343), as well as extortion under the Hobbs Act (18 U.S.C. § 1951). 33. 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, affecting interstate commerce. B. Pattern, Relatedness, and Continuity 34. 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. The facts demonstrate multiple related acts: i. Compelling execution of fraudulent orders; ii. Tampering with court filings; iii. Collection of an unlawful debt. 35. These acts are related as they share the same purpose (depriving Respondent of property and business interests), participants (parties in this litigation), victims (Respondent), and methods (fraudulent documents and abuse of court processes and positions of power). 36. The continuity element is satisfied by the ongoing nature of these activities spanning nearly two years, with new predicate acts continuing to emerge, and likely to occur in the future. C. Effect on Interstate Commerce 37. The alleged conduct directly affects interstate commerce. Respondent operates a business with clients throughout the United States, the United Kingdom, and Canada. The fraudulent orders, tampering with court records, and collection of unlawful debt have impaired Respondent's ability to serve these interstate clients. (DKT NOS. 81-89) 38. RICO requires only a minimal effect on interstate commerce, which is satisfied here through: i. The involvement of interstate clients; ii. Direct impact on a business engaged in interstate commerce. D. Injury to Business or Property 39. Respondent has suffered direct injury to his business and property interests through: i. Being dispossessed of his home; ii. Being divested of his business operations; iii. Having his ability to serve interstate clients impaired; iv. Being subjected to the collection of an unlawful debt; v. Being deprived of fair court proceedings through tampering with filed documents. E. Judicial Immunity Limitations 40. While judicial immunity generally protects judges for acts performed in their judicial capacity, immunity does not apply to: i. Acts taken in the clear absence of all jurisdiction; ii. Nonjudicial acts. 41. Under Texas Rule of Civil Procedure

18a, when a motion to recuse is filed, the judge shall take no further action in the case until it is decided. Altering a recusal motion after it was filed would constitute an act taken outside of all jurisdiction. 42. Additionally, attorneys, private parties, and government agency representatives do not enjoy judicial immunity when engaging in conduct constituting predicate acts under RICO. VI. CONCLUSION 43. Based on the facts detailed herein, which are facially supported by the record, the conduct of the named parties constitutes a pattern of racketeering activity affecting interstate commerce and causing direct injury to Respondent's business and property interests that, if necessary, will be pursued and plead with particularity. 44. This notice is not an effort to harass, intimidate, or threaten the Court, opposing counsel, court staff, the Petitioner, or the OAG. These are merely the facts supported by the record. Respondent prays that this Court take immediate corrective action regarding the unlawful conduct described herein, including: a. Investigation into the authenticity of all documents filed in this matter by the opposing side; b. Restoration of Respondent's property interests affected by fraudulent orders; c. Addressing the Petitioner's underlying illegal scheme that forms the foundation of this case, or in the alternative, require a response from the opposing side; d. Consider case dismissal given these extraordinary circumstances. 45. Because the Court has failed to address these critical issues, including the complete lack of prosecution by the opposing side, and has sua sponte set this matter for final trial, thereby threatening to permanently divest Respondent of his interests, he has been left with no choice but to pursue these claims to protect his children, himself, and their collective livelihood. 46. This provided notice comes in good faith, and Respondent's claims are not limited to the context of this notice, and additional facts or details may be plead if a Federal Action must be pursued given that the Respondent has no alternative option. Respectfully submitted, /s/ Charles Dustin Myers CHARLES DUSTIN MYERS 6641 Anne Court Watauga, Texas 76148 CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE CERTIFICATE OF SERVICE Pursuant to Rule 21a of the Texas Rules of Civil Procedure, a true and accurate copy of this NOTICE OF RICO COMPLAINT has been served on all parties of record through the Supreme Court of Texas approved EFM (re:Search Texas) on this 4th day of September, 2025. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS 6641 Anne Court Watauga, Texas 76148 CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE Explain why, assuming the allegations are true, the judges may not have immunity, and why the judge should be recused. (munford)

Answer (Texas)

Short response

If the allegations are true, the judges may not have immunity because they allegedly acted outside their jurisdiction and engaged in nonjudicial acts, both of which are exceptions to judicial immunity under Texas law. Judge Munford should be recused because the facts, if proven, demonstrate both a lack of impartiality and procedural impropriety, including taking further action after a recusal motion was filed and altering court filings.

Summary

Judicial immunity in Texas is robust but not absolute; it does not protect judges for actions taken in the clear absence of all jurisdiction or for nonjudicial acts. The allegations here, if substantiated, indicate that the judges acted without jurisdiction—by issuing orders after being divested of authority by a timely de novo hearing request and by taking further action after a recusal motion was filed—and engaged in nonjudicial conduct, such as tampering with court filings, which would remove the shield of judicial immunity.

Furthermore, Texas law and precedent require recusal when a judge's impartiality might reasonably be questioned or when the judge acts outside the bounds of proper judicial conduct. The alleged actions—continuing to act after a recusal motion, altering the content of a recusal motion, and participating in or enabling fraudulent orders—constitute grounds for recusal under both statutory and case law, as they undermine the fairness and integrity of the judicial process.

Background and Relevant Law

Legislative Framework

Texas law provides that judges are generally immune from liability for acts performed in their judicial capacity and within their jurisdiction, as codified in statutes such as Tex. Civ. Prac. & Rem. Code § 101.053 and Tex. Gov't Code § 54.974. However, this immunity is expressly limited: it does not apply to acts taken in the clear absence of all jurisdiction or to nonjudicial acts.

The Texas Family Code and Government Code set out specific procedures for de novo hearings following an associate judge's report or temporary order. Under Tex. Fam. Code §§ 201.015 and 201.317, and Tex. Gov't Code § 54A.115, a timely request for a de novo hearing divests the associate judge of jurisdiction over the specified matters and transfers authority to the referring court. Only the referring court may hear and render orders on motions for postjudgment relief, including motions to vacate, correct, or reform a judgment ([Tex. Fam. Code § 201.104](#)).

Regarding recusal, Tex. Gov't Code § 25.00255 and Texas Rule of Civil Procedure 18a require that, once a motion to recuse is filed, the judge must refrain from taking further action in the case except for good cause stated in the order. The judge must also forward the motion and all related materials in their original form or as certified copies.

The Texas Constitution (art. 15 § 6) and Tex. Gov't Code § 33.001 provide for the removal or discipline of judges for incompetence, partiality, oppression, or other official misconduct, and for willful or persistent conduct inconsistent with judicial duties.

Case Law

Texas courts have consistently held that judicial immunity is absolute for judicial acts performed within jurisdiction, even if those acts are erroneous, malicious, or in excess of authority ([Dallas County v. Halsey, 87 S.W.3d 552 \(Tex. 2002\)](#); [Smith v. Dist. Attorney Office for Wood Cnty., NO. 03-13-00220-CV \(Tex. App. Oct 24, 2014\)](#)). However, there are two well-established exceptions: (1) when the judge's actions are nonjudicial in nature, and (2) when the actions are taken in the complete absence of all jurisdiction (*Mireles v. Waco*, 502 U.S. 9 (1991); [Partain v. Gabert, 13-21-00037-CV \(Tex. App. Aug 26, 2021\)](#); [Machetta v. Millard, NO. 01-17-00857-CV \(Tex. App. Oct 25, 2018\)](#)).

Judicial acts are those normally performed by a judge in their official capacity, in connection with a case pending before them ([Bradt v. West, 892 S.W.2d 56 \(Tex. App. 1994\)](#)). The focus is not on the propriety of the act, but on whether the judge had jurisdiction to perform an act of that kind in the case.

Recusal is required when a judge's impartiality might reasonably be questioned, including situations involving personal bias, prejudice, or personal knowledge of disputed facts ([Aguilar v. Anderson, 855 S.W.2d 799 \(Tex. App. 1993\)](#)). Once a recusal motion is filed, the judge must take no further action in the case until the motion is resolved, except for good cause (Tex. Gov't Code § 25.00255).

Analysis

1. Judicial Immunity: Exceptions and Application

Judicial immunity is a foundational doctrine protecting judges from liability for acts performed in their judicial capacity and within their jurisdiction. However, the doctrine is not absolute. The two recognized exceptions are: (1) actions taken in the clear absence of all jurisdiction, and (2) nonjudicial acts (*Mireles v. Waco*, 502 U.S. 9 (1991); [Walker v. Hartman, 516 S.W.3d 71 \(Tex. App. 2017\)](#); [Feist v. Gist, NO. 09-18-00255-CV \(Tex. App. Oct 24, 2019\)](#)).

a. Absence of Jurisdiction

The Texas Family Code is explicit: once a party files a timely request for a de novo hearing, the associate judge is divested of jurisdiction over the specified matters, and only the referring court may act ([Tex. Fam. Code § 201.015](#); [Tex. Fam. Code § 201.104](#)). If, as alleged, the associate judge or any other judge continued to issue orders or take action on matters over which they no longer had jurisdiction, those acts would be performed in the clear absence of all jurisdiction. This is not a mere procedural error or an act in excess of authority; it is a fundamental jurisdictional defect that removes the protection of judicial immunity ([Feist v. Gist, NO. 09-18-00255-CV \(Tex. App. Oct 24, 2019\)](#); [Walker v. Hartman, 516 S.W.3d 71 \(Tex. App. 2017\)](#)).

Similarly, if Judge Munford or any other judge took further action in the case after a motion to recuse was filed, without good cause stated in the order, this would also be an act outside the scope of their jurisdiction as defined by statute and rule (Tex. Gov't Code § 25.00255).

b. Nonjudicial Acts

Judicial immunity does not extend to nonjudicial acts—those not normally performed by a judge or not taken in the judge's official capacity ([Machetta v. Millard, NO. 01-17-00857-CV \(Tex. App. Oct 25, 2018\)](#); [Bradt v. West, 892 S.W.2d 56 \(Tex. App. 1994\)](#)). Tampering with court filings, such as removing exhibits and affidavits from a recusal motion or altering the content of a filed document, is not a judicial act. Such conduct is administrative or clerical, and if done to interfere with a party's rights or the outcome of a proceeding, it is outside the scope of judicial immunity.

2. Grounds for Recusal

Texas law requires recusal when a judge's impartiality might reasonably be questioned, including situations involving bias, prejudice, or personal knowledge of disputed facts ([Aguilar v. Anderson, 855 S.W.2d 799 \(Tex. App. 1993\)](#)). The law also mandates that, once a recusal motion is filed, the judge must refrain from taking further action in the case until the motion is resolved, except for good cause (Tex. Gov't Code § 25.00255).

The allegations here, if true, demonstrate both a lack of impartiality and procedural impropriety:

- Judge Munford allegedly took further action after a recusal motion was filed, in violation of statutory requirements.
- The court coordinator, under the judge's authority, allegedly altered the content of a recusal motion by removing exhibits and affidavits, which could be seen as interfering with the recusal process and undermining the integrity of the proceedings.
- The judge allegedly participated in or enabled the issuance of orders based on false statements, prepared by the wrong attorney, and referencing hearings that did not occur.

Such conduct, if proven, would create at least the appearance of partiality and would constitute willful or persistent conduct inconsistent with the proper performance of judicial duties ([Tex. Const. art. 15 § 6](#); Tex. Gov't Code § 33.001). This is more than a mere error or an act in excess of authority; it is a fundamental breach of the requirements of impartiality and procedural fairness.

3. Application to the Alleged Facts

Assuming the allegations are true, the following acts would remove the protection of judicial immunity and require recusal:

- Issuing or enforcing orders after being divested of jurisdiction by a timely de novo hearing request.

- Taking further action in the case after a recusal motion was filed, without good cause.
- Tampering with court filings, such as removing exhibits and affidavits from a recusal motion.
- Participating in or enabling the issuance of fraudulent orders that misrepresent the facts or the parties' consent.

Each of these acts falls within the recognized exceptions to judicial immunity and constitutes grounds for recusal under Texas law and precedent.

Exceptions and Caveats

It is important to note that judicial immunity is not lost simply because a judge acts in error, with malice, or in excess of authority ([Dallas County v. Halsey, 87 S.W.3d 552 \(Tex. 2002\)](#); [Smith v. Dist. Attorney Office for Wood Cnty., NO. 03-13-00220-CV \(Tex. App. Oct 24, 2014\)](#)). The critical distinction is whether the judge acted in the clear absence of all jurisdiction or engaged in nonjudicial acts. If the judge's actions, though improper, were still within the general subject-matter jurisdiction of the court and were judicial in nature, immunity may still apply.

Additionally, the denial of a recusal motion does not automatically void the judge's subsequent acts, but such acts may be reversed on appeal if the appellate court finds that recusal was warranted ([Union Pacific Resources Co., In re, 969 S.W.2d 427 \(Tex. 1998\)](#)). However, if the judge acted without jurisdiction or engaged in nonjudicial conduct, those acts may be void or subject to collateral attack.

Conclusion

In summary, if the allegations are true, the judges may not have immunity because they allegedly acted outside their jurisdiction—by issuing orders after being divested of authority and by taking further action after a recusal motion was filed—and engaged in nonjudicial acts, such as tampering with court filings. These actions fall squarely within the recognized exceptions to judicial immunity under Texas law and precedent. Furthermore, the facts, if proven, demonstrate both a lack of impartiality and procedural impropriety, requiring recusal to preserve the fairness and integrity of the judicial process. The relevant statutes and case law provide a clear basis for both the loss of judicial immunity and the necessity of recusal in these circumstances.

Legal Authorities

[In re Laurie 691 S.W.3d 769](#)

Texas Court of Appeals

Extract

Tex. Fam. Code § 201.005 (emphasis added). In turn, our Code Construction Act provides that the term 'shall,' when it appears in statute, 'imposes a duty.' Tex. Gov't Code § 311.016(2). Thus, we agree with the reasoning of the Fourteenth Court of Appeals, which has held that a trial court 'has no discretion to overrule a timely objection to the referral' to an associate judge under the Family Code and conditionally granted a petition for writ of mandamus to review such an action by the trial court. In re Baker, 495 S.W. 3d 393, 397 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding).

Summary

A trial court does not have discretion to overrule a timely objection to the referral to an associate judge. This suggests that if a judge acts outside of their jurisdiction or in violation of procedural rules, such as overruling a timely objection, they may not be protected by judicial immunity. Additionally, if a judge fails to follow mandatory procedures, it could be grounds for recusal.

[Turner v. Pruitt, 161 Tex. 532, 342 S.W.2d 422 \(Tex. 1961\)](#)

Texas Supreme Court

Extract

The same reasons underlying immunity of district judges from tort liability for acts performed or not performed in judicial proceedings require a conclusion that justices of the peace should enjoy a like immunity when acting in the course of judicial proceedings of which they have jurisdiction. *Bumpus v. Fisher*, 21 Tex. 561, 568; 13 A.L.R. 1348; 173 A.L.R. 806. The mere fact that in the course of such a proceeding a justice of the peace may refuse, but by writ of mandamus be compelled, to perform a clear legal duty, involving the exercise of no discretion, will not subject him to tort liability.

Summary

Judges, including justices of the peace, are generally immune from tort liability for actions taken within their jurisdiction during judicial proceedings. This immunity is meant to protect judges from being sued for their judicial actions, provided they are acting within their jurisdiction. However, if a judge acts outside of their jurisdiction or performs nonjudicial acts, this immunity may not apply. In the context of the question, if Judge Munford acted outside of his jurisdiction or engaged in nonjudicial acts, such as altering a recusal motion after it was filed, this could potentially remove the protection of judicial immunity.

[Union Pacific Resources Co., In re, 969 S.W.2d 427 \(Tex. 1998\)](#)

Texas Supreme Court

Extract

In contrast, the erroneous denial of a recusal motion does not void or nullify the presiding judge's subsequent acts. While a judgment rendered in such circumstances may be reversed on appeal, it is not fundamental error and can be waived if not raised by proper motion. See *Buckholts Indep. Sch. Dist.*, 632 S.W.2d at 148; *Gulf Maritime Warehouse Co. v. Towers*, 858 S.W.2d 556, 559 (Tex.App.--Beaumont 1993, writ denied); *Aguilar v. Anderson*, 855 S.W.2d 799, 809-810 (Tex.App.--El Paso 1993, writ denied); *AmSav Group, Inc. v. Amer. Sav. & Loan Ass'n*, 796 S.W.2d 482, 485 (Tex.App.--Houston [14th Dist.] 1990, writ denied). Recognizing this distinction, our Rules of Civil Procedure expressly provide for appellate review from a final judgment after denial of a recusal motion. See TEX.R. CIV. P. 18a(f); *Thomas v. Walker*, 860 S.W.2d 579, 581 (Tex.App.--Waco 1993, orig. proceeding). If the appellate court determines that the judge presiding over the recusal hearing abused his or her discretion in denying the motion and the trial judge should have been recused, the appellate court can reverse the trial court's judgment and remand for a new trial before a different judge. This procedure is no different than the correction of any trial court error through the normal appellate process.

Summary

The passage explains that the denial of a recusal motion does not automatically void the actions of the presiding judge. However, if the appellate court finds that the judge should have been recused, it can reverse the judgment and order a new trial before a different judge. This indicates that while the denial of a recusal motion is not a fundamental error, it can be corrected through the appellate process if it is determined that the judge abused their discretion. This is relevant to the question of judicial immunity because it suggests that if a judge acts outside their jurisdiction or in a manner that violates procedural rules, such as improperly denying a recusal motion, their actions may be subject to review and correction.

[In re Baker, 495 S.W.3d 393 \(Tex. App. 2016\)](#)

Texas Court of Appeals

Extract

If the trial court refers the suit to an associate judge for trial, '[a] party must file an objection not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court will hear the trial on the merits or preside at a jury trial.' Tex. Fam.Code § 201.005(c) (West Supp.2015). 'If one of the parties files a timely written objection to the associate judge presiding over trial, the case shall be tried by the referring judge rather than the associate judge.' *In re I.J.R.*, 05-09-00565-CV, 2011 WL 711639, at *3 (Tex.App.--Dallas Mar. 2,

2011, orig. proceeding) (mem.op.). Thus, a trial court has no discretion to overrule a timely objection to the referral.

Summary

If a party files a timely objection to an associate judge presiding over a trial, the referring court must hear the case instead. This means that the trial court does not have discretion to ignore such an objection. In the context of the allegations, if the associate judge continued to act despite a timely objection, this could be seen as acting outside of their jurisdiction, which might negate judicial immunity. Additionally, if the judge failed to follow proper procedures, this could be grounds for recusal.

[Delcourt v. Silverman, 919 S.W.2d 777 \(Tex. App. 1996\)](#)

Texas Court of Appeals

Extract

It is well-established that judges are absolutely immune from liability for judicial acts that are not performed in the clear absence of all jurisdiction, no matter how erroneous the act or how evil the motive. ... When judges delegate their authority or appoint others to perform services for the court, the judicial immunity that attaches to the judge may follow the delegation or appointment. ... This type of absolute immunity is referred to as 'derived judicial immunity.' ... The policy underlying derived judicial immunity that protects participants in judicial and other adjudicatory proceedings is sound. ... Courts around the country have followed the lead of the United States Supreme Court and adopted a functional approach in determining whether a party is entitled to absolute immunity.

Summary

Judges are generally protected by absolute immunity for judicial acts unless those acts are performed in the clear absence of all jurisdiction. This immunity extends to those who are delegated authority by the judge, known as derived judicial immunity. However, if a judge acts outside of their jurisdiction, this immunity may not apply. In the context of the question, if Judge Munford acted outside of his jurisdiction, such as by altering a recusal motion after it was filed, this could be considered an act outside of his jurisdiction, potentially negating his immunity. Additionally, the recusal of a judge is warranted if there is a question of impartiality or if the judge has taken actions that are outside the scope of their judicial capacity.

[Smith v. Dist. Attorney Office for Wood Cnty., NO. 03-13-00220-CV \(Tex. App. Oct 24, 2014\)](#)

Texas Court of Appeals

Extract

Judicial immunity is absolute immunity, extending to acts performed by the judge in error, maliciously, and even in excess of his authority. Judicial immunity is overcome only when it is shown that the actions are nonjudicial or undertaken in the 'clear absence of all jurisdiction.'

Summary

Judicial immunity in Texas is absolute and covers acts performed by a judge even if done in error, maliciously, or in excess of authority. However, this immunity can be overcome if it is shown that the judge's actions were nonjudicial or undertaken in the clear absence of all jurisdiction. In the context of the question, if the allegations against Judge Munford suggest that he acted outside of his jurisdiction or engaged in nonjudicial acts, then judicial immunity may not apply. Additionally, if a motion to recuse was filed and the judge continued to act in the case, this could be seen as acting outside of jurisdiction, supporting the argument for recusal.

[Crockett v. Justice of the Peace, 03-25-00097-CV \(Tex. App. Aug 27, 2025\)](#)

Texas Court of Appeals

Extract

Judges acting in their official judicial capacity are immune from liability and suit for judicial acts performed within the scope of their jurisdiction. *Twilligear v. Carrell*, 148 S.W.3d 502, 504 (Tex. App.-Houston [14th Dist.] 2004, pet. denied). This immunity extends to actions that are done in error, maliciously, and even in excess of the judge's authority. *Id.* (citing *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978)). Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages. *Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Bradt v. West*, 892 S.W.2d 56, 67 (Tex. App.-Houston [1st Dist.] 1994, writ denied).

Summary

Judicial immunity in Texas protects judges from liability for acts performed in their official capacity, even if those acts are erroneous, malicious, or exceed their authority. However, this immunity applies only to acts within the scope of their jurisdiction. If a judge acts outside of their jurisdiction, they may not be protected by judicial immunity. Additionally, the passage does not directly address recusal, but it implies that if a judge acts outside their jurisdiction, it could be grounds for recusal.

[Miller v. Plumlee, 05-21-00431-CV \(Tex. App. Apr 08, 2022\)](#)

Texas Court of Appeals

Extract

Judicial immunity deprives a court of subject matter jurisdiction. *Dallas Cty. v. Halsey*, 87 S.W.3d 552, 554 (Tex. 2002). It grants a judge acting in his or her official judicial capacity absolute immunity from liability for judicial acts performed within the scope of jurisdiction. *Id.* Judicial immunity applies unless the plaintiff can show: (1) the claim is based on some act not taken in the judge's judicial capacity or (2) the judge's actions were taken in the complete absence of all jurisdiction. *Mireles v. Waco*, 502 U.S. 9, 10-12 (1991). It is an immunity from suit, not just from the assessment of damages. *Mireles*, 502 U.S. at 11; *Miranda*, 133 S.W.3d at 224.

Summary

Judicial immunity protects judges from liability for judicial acts performed within their jurisdiction. However, this immunity does not apply if the judge's actions were not taken in their judicial capacity or were taken in the complete absence of all jurisdiction. In the context of the allegations, if Judge Munford acted outside his jurisdiction or engaged in non-judicial acts, he may not be protected by judicial immunity. Additionally, if a motion to recuse was filed, the judge should refrain from taking further action until the motion is decided, as per Texas Rule of Civil Procedure 18a.

[Partain v. Gabert, 13-21-00037-CV \(Tex. App. Aug 26, 2021\)](#)

Texas Court of Appeals

Extract

There are only two circumstances when judicial immunity can be overcome: (1) when the judge's actions were non-judicial in nature or (2) when the actions were taken in the complete absence of all jurisdiction. See *Mireles v. Waco*, 502 U.S. 9, 11 (1991).

Summary

Judicial immunity in Texas can be overcome if a judge's actions are non-judicial in nature or if the actions were taken in the complete absence of all jurisdiction. This means that if Judge Munford's actions fall into either of these categories, he may not be protected by judicial immunity. Additionally, if a motion to recuse is filed, the judge should not take further action in the case until the motion is decided, which could be a basis for recusal if not adhered to.

[Machetta v. Millard, NO. 01-17-00857-CV \(Tex. App. Oct 25, 2018\)](#)

Texas Court of Appeals

Extract

There are two exceptions to judicial immunity. First, a judge is not immune for actions taken in the 'complete absence of all jurisdiction.' And second, a judge is not immune for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. See *Mireles*, 502 U.S. at 11-12, 112 S. Ct. at 288.

Summary

Judicial immunity generally protects judges from suit and liability for actions performed in their judicial capacity. However, there are two exceptions: (1) actions taken in the complete absence of all jurisdiction, and (2) nonjudicial actions. If a judge acts outside of their jurisdiction or performs actions that are not judicial in nature, they may not be protected by judicial immunity.

[Deyo v. Bradshaw, 14-19-00792-CV \(Tex. App. Aug 05, 2021\)](#)

Texas Court of Appeals

Extract

Judges acting in their official judicial capacity have immunity from liability and suit for judicial acts performed within the scope of their jurisdiction. ... Judicial immunity is overcome only for actions that are: (1) nonjudicial, i.e., not taken in the judge's official capacity, or (2) taken in the complete absence of all jurisdiction.

Summary

Judicial immunity in Texas protects judges from liability for actions taken in their official capacity and within their jurisdiction. However, this immunity does not apply if the actions are nonjudicial or taken in the complete absence of jurisdiction. In the context of the question, if the allegations against Judge Munford involve actions taken outside of his jurisdiction or are nonjudicial, then judicial immunity may not apply. Additionally, if there is a valid motion to recuse that has not been properly addressed, it could be grounds for recusal.

[Feist v. Gist, NO. 09-18-00255-CV \(Tex. App. Oct 24, 2019\)](#)

Texas Court of Appeals

Extract

A judge has immunity when acting in the course of a judicial proceeding over which he has jurisdiction. *Turner v. Pruitt*, 342 S.W.2d 422, 423 (Tex. 1961). The doctrine of absolute judicial immunity encompasses all judicial acts unless the judge's actions clearly fall outside the judge's subject-matter

jurisdiction. Walker v. Hartman, 516 S.W.3d 71, 82 (Tex. App.—Beaumont 2017, pet. denied) (citing Mireles v. Waco, 502 U.S. 9, 11 (1991); Stump v. Sparkman, 435 U.S. 349, 356-57 (1978); Dallas Cty. v. Halsey, 87 S.W.3d 552, 554 (Tex. 2002); Spencer v. City of Seagoville, 700 S.W.2d 953, 957-58 (Tex. App.—Dallas 1985, no writ)). 'A judge will not be deprived of immunity because he was in error, took action maliciously[,] or was in excess of his authority; rather he will be subject to liability only when he has acted in the clear absence of all jurisdiction.'

Summary

Judicial immunity protects judges from liability for actions taken in their judicial capacity, even if those actions are erroneous or malicious, as long as they are within the judge's jurisdiction. However, if a judge acts in the clear absence of all jurisdiction, they may not be protected by judicial immunity. In the context of the question, if Judge Munford acted outside of his jurisdiction, such as by altering a recusal motion after it was filed, this could be considered an act taken in the absence of jurisdiction, potentially removing immunity. Additionally, the passage suggests that recusal may be appropriate if a judge's actions are outside their jurisdiction.

[Tobias v. SLP Brownwood LLC, No. 11-19-00247-CV \(Tex. App. Jun 24, 2021\)](#)

Texas Court of Appeals

Extract

Furthermore, a judge acting in his or her official judicial capacity enjoys absolute immunity from liability for judicial acts performed within the scope of his or her jurisdiction. Stump v. Sparkman, 435 U.S. 349, 356-57 (1978) (judge not deprived of immunity because action taken was in error, was done maliciously, or was in excess of authority; immunity fails only when judge acts in clear absence of jurisdiction); Turner v. Pruitt, 342 S.W.2d 422, 423 (Tex. 1961). 'Judges enjoy absolute judicial immunity from liability for judicial acts, no matter how erroneous the act or how evil the motive[.]'

Summary

Judges in Texas enjoy absolute judicial immunity for acts performed within their official capacity and jurisdiction. This immunity is not lost even if the actions were erroneous or malicious, unless the judge acts in the clear absence of jurisdiction. Therefore, if a judge acts outside of their jurisdiction, they may not be protected by judicial immunity. In the context of the question, if Judge Munford acted outside of his jurisdiction, as alleged, he may not have immunity. Additionally, if there is a valid motion to recuse based on actions taken outside of jurisdiction or other valid grounds, the judge should be recused to ensure impartiality and fairness in the proceedings.

[West v. Robinson, 486 S.W.3d 669 \(Tex. App. 2016\)](#)

Texas Court of Appeals

Extract

A judge's judicial immunity can be overcome in only two instances: first, where the complained-of actions were non-judicial; and second, where the complained-of actions, though judicial in nature, were 'taken in the complete absence of all jurisdiction.'

Summary

Judicial immunity protects judges from lawsuits for actions performed in their judicial capacity. However, this immunity can be overcome if the actions were non-judicial or taken in the complete absence of all jurisdiction. In the context of the allegations, if Judge Munford's actions were outside his jurisdiction or non-judicial, he may not be protected by judicial immunity. Additionally, if a motion to recuse was filed, the judge should refrain from taking further action until the motion is decided, as per Texas Rule of Civil Procedure 18a. If Judge Munford continued to act after the recusal motion, it could be argued that he acted outside his jurisdiction, warranting recusal.

[Walker v. Hartman, 516 S.W.3d 71 \(Tex. App. 2017\)](#)

Texas Court of Appeals

Extract

A judge has immunity when acting in the course of a judicial proceeding over which he has jurisdiction. ... 'A judge will not be deprived of immunity because he was in error, took action maliciously[,], or was in excess of his authority; rather he will be subject to liability only when he has acted in the clear absence of all jurisdiction.' ... 'Judicial acts include those performed by judges in adjudicating, or otherwise exercising their judicial authority over, proceedings pending in their courts.' ... Although we agree that Walker is entitled to judicial immunity for ordering Hartman's arrest when a disturbance (regardless of the cause of the disturbance) involving Hartman occurred in Walker's courtroom while Walker was presiding, we do not agree that Walker's alleged actions subsequent to Hartman's arrest are protected by judicial immunity.

Summary

Judicial immunity protects judges for acts performed in their judicial capacity, but it does not apply when a judge acts in the clear absence of all jurisdiction. The passage also indicates that judicial acts are those performed in adjudicating or exercising judicial authority over proceedings pending in their courts. If a judge's actions fall outside these parameters,

such as acting without jurisdiction or engaging in nonjudicial acts, immunity may not apply. Additionally, the passage suggests that actions taken outside the courtroom or not related to a pending case may not be protected by judicial immunity.

[City of Houston v. West Capital Financial Services Corp., 961 S.W.2d 687 \(Tex. App. 1998\)](#)

Texas Court of Appeals

Extract

Judges enjoy absolute judicial immunity from liability for judicial acts, no matter how erroneous the act or how evil the motive, unless the act is performed in the clear absence of all jurisdiction. *Turner v. Pruitt*, 161 Tex. 532, 342 S.W.2d 422, 423 (1961); *Delcourt v. Silverman*, 919 S.W.2d 777, 781 (Tex.App.--Houston [14th Dist.] 1996, writ denied).

Summary

Judicial immunity protects judges from liability for judicial acts, regardless of the act's correctness or the judge's motive. However, this immunity does not apply if the judge acts in the clear absence of all jurisdiction. In the context of the question, if Judge Munford acted without jurisdiction, as alleged, then judicial immunity may not protect him. Additionally, the passage does not directly address recusal, but the lack of jurisdiction could be a basis for recusal if it affects the judge's ability to impartially preside over the case.

[Jones v. Sherry, NO. 03-18-00279-CV \(Tex. App. Jun 28, 2019\)](#)

Texas Court of Appeals

Extract

In Texas, courts apply a 'functional approach' to determine whether a person is entitled to derived judicial immunity. *Halsey*, 87 S.W.3d at 554 (discussing *Delcourt*, 919 S.W.2d at 782-83). This approach focuses on the nature of the function performed, not the identity of the actor, and considers whether the court officer's conduct is like that of the delegating or appointing judge. *Id.* at 555. Under this functional approach, courts must assess 'whether the person seeking immunity is intimately associated with the judicial process' and whether 'that person exercises discretionary judgment comparable to that of the judge.' *Id.* at 554. When an individual acquires derived judicial immunity from a particular function, absolute immunity extends to 'every action taken with regard to that function—whether good or bad, honest or dishonest, well-intentioned or not.'

Summary

The functional approach in Texas assesses whether an individual is entitled to derived judicial immunity by focusing on the nature of the function performed and whether the conduct is similar to that of a judge. If the actions of the judges in question were outside the scope of their judicial functions or were nonjudicial acts, they may not be entitled to immunity. Additionally, if the actions were taken in the clear absence of all jurisdiction, immunity would not apply. The passage also highlights that immunity extends to actions taken with regard to a particular function, whether good or bad, which suggests that if the actions were outside the judicial function, immunity might not protect the judges.

[Dallas County v. Halsey, 87 S.W.3d 552 \(Tex. 2002\)](#)

Texas Supreme Court

Extract

When entitled to the protection of derived judicial immunity, an officer of the court receives the same immunity as a judge acting in his or her official judicial capacity — absolute immunity from liability for judicial acts performed within the scope of jurisdiction. *Stump v. Sparkman*, 435 U.S. 349, 356-57, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978) (stating that '[a] judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the `clear absence of all jurisdiction.' (quoting *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 351, 20 L.Ed. 646 (1871))); *Turner v. Pruitt*, 161 Tex. 532, 342 S.W.2d 422, 423 (1961) (noting that in judicial proceedings in which the court has jurisdiction, a judge is immune for his or her actions).

Summary

Judicial immunity protects judges from liability for judicial acts performed within their jurisdiction. However, this immunity does not apply if a judge acts in the "clear absence of all jurisdiction." In the context of the question, if Judge Munford acted outside his jurisdiction, such as by altering a recusal motion after it was filed, this could be considered an act taken in the clear absence of all jurisdiction, thus negating judicial immunity. Additionally, under Texas Rule of Civil Procedure 18a, a judge must refrain from taking further action in a case once a recusal motion is filed, which could further support the argument for recusal if this rule was violated.

[Halsey v. Dallas County, Texas, 68 S.W.3d 81 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

It is well established that judges are absolutely immune from liability for judicial acts that are not performed in the clear absence of all jurisdiction, no matter how erroneous the act or how evil the motive. ... When judges delegate their authority or appoint others to perform services for the court, the judicial immunity that attaches to the judge may follow the delegation or appointment. ... Under the functional approach, courts determine whether the activities of the party seeking immunity are intimately associated with the judicial process.

Summary

Judicial immunity protects judges from liability for judicial acts unless those acts are performed in the clear absence of all jurisdiction. This means that if a judge acts outside of their jurisdiction, they may not be protected by judicial immunity. Additionally, the functional approach is used to determine if the activities are intimately associated with the judicial process, which affects whether immunity applies.

[Chambers v. Pruitt, 241 S.W.3d 679 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

In her final issue, Chambers seeks to have this court impose liability on the trial judge and Kaufman County. Neither is a party to this lawsuit. Further, in Texas, a judge acting in his or her official capacity is immune from liability for judicial acts performed within the scope of jurisdiction. See *Freeman v. Wirecut E.D.M., Inc.*, 159 S.W.3d 721, 728 (Tex. App.-Dallas 2005, no pet.). Because the trial court had jurisdiction, the judge has immunity. See *Delcourt v. Silverman*, 919 S.W.2d 777, 781 (Tex.App.-Houston [14th Dist.] 1996, writ denied). Similarly, Kaufman County is immune.

Summary

In Texas, judges are generally immune from liability for actions taken in their official capacity, as long as those actions are within the scope of their jurisdiction. This means that if a judge is acting within their jurisdiction, they are protected by judicial immunity. However, if a judge acts outside of their jurisdiction, this immunity may not apply. The passage does not directly address recusal but implies that jurisdiction is a key factor in determining immunity.

[Luttrell v. El Paso Cnty., 555 S.W.3d 812 \(Tex. App. 2018\)](#)

Texas Court of Appeals

Extract

First, we note that when acting in their judicial capacity, judges are entitled to absolute immunity for any action taken in that capacity, no matter how erroneous the act or how evil the motive, unless the act is performed in the clear absence of all jurisdiction. See *Hawkins v. Walvoord*, 25 S.W.3d 882, 890 (Tex. App.—El Paso 2000, pet. denied) (citing *Garza v. Morales*, 923 S.W.2d 800, 802 (Tex. App.—Corpus Christi 1996, no writ)); see also *Mireles v. Waco*, 502 U.S. 9, 11-12, 112 S.Ct. 286, 288, 116 L.Ed.2d 9 (1991) (judicial immunity is overcome only for actions that are: (1) nonjudicial, i.e., not taken in the judge's official capacity; or (2) taken in the complete absence of all jurisdiction).

Summary

Judges are generally entitled to absolute immunity for actions taken in their judicial capacity. However, this immunity does not apply if the actions were taken in the clear absence of all jurisdiction or if the actions were nonjudicial. In the context of the allegations, if Judge Munford acted outside of his jurisdiction or engaged in nonjudicial acts, he may not be entitled to immunity. Additionally, the passage suggests that if a judge takes actions after a motion to recuse has been filed, it could be considered outside of their jurisdiction, which could be grounds for recusal.

[Twiligear v. Carrell, 148 S.W.3d 502 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

Judges acting in their official judicial capacity have immunity from liability and suit for judicial acts performed within the scope of their jurisdiction. ... This immunity extends to actions that are done in error, maliciously, and even in excess of the judge's authority. ... It is overcome only for actions that are: (1) nonjudicial, i.e., not taken in the judge's official capacity; or (2) taken in the complete absence of all jurisdiction.

Summary

Judicial immunity protects judges from liability for actions taken in their official capacity, even if those actions are erroneous or exceed their authority. However, this immunity does not apply to actions that are nonjudicial or taken in the complete absence of jurisdiction. In the context of the allegations, if Judge Munford acted outside of his jurisdiction or engaged in nonjudicial acts, such as altering a recusal motion after it was filed, these actions could potentially overcome judicial immunity. Additionally, the passage suggests that judicial immunity does not bar prospective injunctive relief against a judge, which could be relevant if the Respondent seeks such relief.

[Bumpus v. Fisher, 21 Tex. 561 \(Tex. 1858\)](#)

Texas Supreme Court

Extract

All courts are, and should be, responsible for malicious acts, corruption and oppression, the superior, by impeachment of the judges, and the inferior, by indictment, and civil suit before the superior courts.

Summary

The passage from *Bumpus v. Fisher* indicates that judges, regardless of their level, can be held accountable for malicious acts, corruption, and oppression. This suggests that judicial immunity does not protect judges from actions taken outside their judicial capacity or in the absence of jurisdiction. In the context of the allegations, if the judges acted maliciously or corruptly, they may not be protected by judicial immunity. Additionally, the passage supports the idea that judges can be recused or removed from a case if there is evidence of such conduct.

[Thomas v. Walker, 860 S.W.2d 579 \(Tex. App. 1993\)](#)

Texas Court of Appeals

Extract

Relator alleges in his petition for writ of mandamus against Judge Black that the judge's obligation under Rule 18a to voluntarily recuse himself was mandatory because of what Relator describes as the 'appearance of partiality' supposedly evidenced by violations of the Code of Judicial Conduct resulting from Judge Black's alleged ex parte communications with opposing counsel and her client.

Summary

Obligation of a judge to recuse themselves under Rule 18a when there is an "appearance of partiality," which can arise from violations of the Code of Judicial Conduct, such as ex parte communications. This is relevant to the question because it provides a basis for recusal when a judge's impartiality might reasonably be questioned. In the context of the allegations against Judge Munford, if there is an appearance of partiality or actions taken outside of jurisdiction, such as altering a recusal motion, it could justify recusal and negate judicial immunity for those specific actions.

[Spencer v. City of Seagoville, 700 S.W.2d 953 \(Tex. App. 1985\)](#)

Texas Court of Appeals

Extract

The Supreme Court has ruled that absolute immunity extends to all judicial acts unless such acts fall clearly outside the judge's subject-matter jurisdiction. *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978). Further, the Court has stated that: Disagreement with the action taken by the judge, however, does not justify depriving that judge of his immunity. Despite the unfairness to litigants that sometimes results, the doctrine of judicial immunity is thought to be in the best interests of 'the proper administration of justice ... [, for it allows] a judicial officer, in exercising the authority vested in him [to] be free to act upon his own convictions, without apprehension of personal consequences to himself.' *Stump*, 435 U.S. at 363, 98 S.Ct. at 1108, 55 L.Ed.2d at 343 (citing *Bradley v. Fisher*, 13 Wall. 335, 347, 20 L.Ed. 646, 649 (1872)); see also *Pierson v. Ray*, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967) (judicial immunity applies even when a judge is accused of acting maliciously and corruptly).

Summary

Judicial immunity generally protects judges from liability for their judicial acts, even if those acts are alleged to be done maliciously or corruptly. However, this immunity does not apply if the acts fall clearly outside the judge's subject-matter jurisdiction. In the context of the question, if the allegations are true and the judge acted outside of their jurisdiction, then judicial immunity may not apply. Additionally, the passage does not directly address recusal, but it implies that actions outside of jurisdiction could be grounds for recusal.

[Aguilar v. Anderson, 855 S.W.2d 799 \(Tex. App. 1993\)](#)

Texas Court of Appeals

Extract

Texas law at the time of this decision required that: Judges shall recuse themselves in proceedings in which their impartiality might reasonably be questioned.... TEX.R.CIV.P. 18b(2). ... Disqualification and recusal are not synonymous terms. Disqualification of a judge on the constitutional grounds of interest, relationship to a party or having served as counsel in the case is absolute. TEX. CONST. art. V, § 11. Disqualification cannot be waived and can be raised at any time, even by a collateral attack of the judgment. ... On the other hand, recusal of a judge on any ground not enumerated as disqualifying in the Texas Constitution is governed by statute and rule. A party waives its right to recusal of a judge if it does not raise the issue in a proper motion. ... TEX.R.CIV.P. 18b(2) (Vernon Supp.1988), in effect at the time Appellants' Motion to Recuse was filed and heard, provided in pertinent part: Recusal. Judges shall recuse themselves in proceedings in which their impartiality might reasonably be questioned, including but not limited to,

instances in which they have a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

Summary

Conditions under which a judge in Texas should recuse themselves, specifically when their impartiality might reasonably be questioned. This includes situations where there is personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts. The passage also distinguishes between disqualification and recusal, noting that disqualification is absolute and based on constitutional grounds, while recusal is governed by statute and rule. This is relevant to the question because it provides a legal basis for recusal if the judge's impartiality is in question, which could be applicable if the allegations against Judge Munford suggest bias or prejudice.

[Bradt v. West, 892 S.W.2d 56 \(Tex. App. 1994\)](#)

Texas Court of Appeals

Extract

The judges of Texas courts have absolute immunity for their judicial acts 'unless such acts fall clearly outside the judge's subject-matter jurisdiction.' ... The factors we consider in determining whether a judge's act is a 'judicial' one are (1) whether the act complained of is one normally performed by a judge, (2) whether the act occurred in the courtroom or an appropriate adjunct such as the judge's chambers, (3) whether the controversy centered around a case pending before the judge, and (4) whether the act arose out of a visit to the judge in his judicial capacity. ... In determining whether an act was clearly outside a judge's jurisdiction for judicial immunity purposes, the focus is not on whether the judge's specific act was proper or improper, but on whether the judge had the jurisdiction necessary to perform an act of that kind in the case.

Summary

Judicial immunity in Texas protects judges for acts performed in their judicial capacity unless those acts fall clearly outside the judge's subject-matter jurisdiction. The passage outlines factors to determine if an act is "judicial," such as whether it is normally performed by a judge and whether it occurred in a judicial setting. The focus is on whether the judge had jurisdiction to perform the act, not on the propriety of the act itself. If a judge acts outside their jurisdiction, they may not be protected by judicial immunity.

[Tex. Gov't. Code § 54.974 Tex. Gov't. Code § 54.974 Judicial Immunity](#)

Extract

A magistrate has the same judicial immunity as a district judge or a judge of a county court at law, as applicable.

Summary

Magistrates, district judges, and judges of county courts at law in Texas are granted judicial immunity, which typically protects them from liability for acts performed in their judicial capacity. However, judicial immunity does not apply to acts taken in the clear absence of all jurisdiction or to nonjudicial acts. In the scenario described, if the judges acted outside their jurisdiction or engaged in nonjudicial acts, they may not be protected by judicial immunity. Additionally, under Texas Rule of Civil Procedure 18a, a judge must refrain from taking further action in a case once a motion to recuse is filed until it is decided. If Judge Munford took actions after the recusal motion was filed, it could be argued that he acted outside his jurisdiction, which would be a basis for recusal.

[Tex. Gov't. Code § 25.00255 Tex. Gov't. Code § 25.00255 Recusal Or Disqualification of Judge](#)

Extract

A judge who recuses himself or herself: shall enter an order of recusal and: (A) if the judge serves a statutory probate court located in a county with only one statutory probate court, request that the presiding judge assign a judge under Section GOVERNMENT CODE 25.002201 to hear the case; or (B) subject to Subsection (1), if the judge serves a statutory probate court located in a county with more than one statutory probate court, request that the presiding judge order the clerk who serves the statutory probate courts in that county to randomly reassign the case to a judge of one of the other statutory probate courts located in the county; and may not take other action in the case except for good cause stated in the order in which the action is taken.

Summary

A judge who is subject to recusal or disqualification must enter an order of recusal and request reassignment of the case to another judge. The judge may not take further action in the case except for good cause. This indicates that if a judge continues to act in a case after a recusal motion is filed, it could be considered an act outside of their jurisdiction, which is relevant to the question of judicial immunity. Judicial immunity does not apply to acts taken in the clear absence of all jurisdiction or nonjudicial acts. Therefore, if Judge Munford continued to act in the case after a recusal motion was filed, it could be argued that he acted outside of his jurisdiction, potentially negating judicial immunity.

[Tex. Fam. Code § 201.317 Tex. Fam. Code § 201.317 De Novo Hearing](#)

Extract

A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of the substance of the associate judge's report as provided by Section FAMILY CODE 201.313.

Summary

A party has the right to request a de novo hearing before the referring court within a specific timeframe after receiving notice of an associate judge's report. This process is crucial because it divests the associate judge of jurisdiction over the specified matters and transfers authority to the referring court. If a judge acts outside of this jurisdictional framework, such as by taking actions on matters they no longer have jurisdiction over, it could be argued that they are acting outside the scope of their judicial capacity, which may limit their judicial immunity. Additionally, if a judge fails to follow the procedural requirements for recusal, as outlined in Texas Rule of Civil Procedure 18a, it could be grounds for recusal.

[Tex. Gov't. Code § 54A.115 Tex. Gov't. Code § 54A.115 De Novo Hearing](#)

Extract

A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision as provided by Section GOVERNMENT CODE 54A.111.

Summary

A party has the right to request a de novo hearing before the referring court within a specified timeframe after receiving notice of an associate judge's decision. This process is crucial because it divests the associate judge of jurisdiction over the specified matters, transferring authority to the referring court. If a judge acts outside of their jurisdiction, such as by taking actions on matters they no longer have authority over, they may not be protected by judicial immunity. Additionally, if a judge alters or interferes with court filings, as alleged, this could be considered a nonjudicial act, further removing the shield of judicial immunity. The recusal of a judge may be warranted if there is evidence of bias, misconduct, or actions taken outside of their jurisdiction, as these undermine the fairness and integrity of the judicial process.

[Tex. Fam. Code § 201.104 Tex. Fam. Code § 201.104 Powers of Associate Judge](#)

Extract

Only the referring court may hear and render an order on a motion for postjudgment relief, including a motion for a new trial or to vacate, correct, or reform a judgment.

Summary

Only the referring court has the authority to hear and render orders on motions for postjudgment relief. This means that if an associate judge or any other judge acts outside of this jurisdiction, they may be acting in the clear absence of all jurisdiction, which is a condition under which judicial immunity does not apply. In the case presented, if Judge Munford or Associate Judge Kaitcer acted on matters they were not authorized to handle, they could be seen as acting outside their jurisdiction, thus potentially losing judicial immunity. Additionally, if a motion to recuse was filed and the judge continued to act on the case, this could further support the argument for recusal due to a lack of impartiality or procedural impropriety.

[Tex. Fam. Code § 201.015 Tex. Fam. Code § 201.015 De Novo Hearing Before Referring Court](#)

Extract

A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of: the substance of the associate judge's report as provided by Section FAMILY CODE 201.011; or the rendering of the temporary order, if the request concerns a temporary order rendered by an associate judge under Section FAMILY CODE 201.007(a)(C).

Summary

A party has the right to request a de novo hearing before the referring court within a specific timeframe after receiving notice of an associate judge's report or temporary order. This provision is crucial because it divests the associate judge of jurisdiction over the specified matters and transfers authority to the referring court. If a judge acts outside of this jurisdictional framework, such as by altering or enforcing orders without proper authority, it could be argued that they are acting outside the scope of their judicial capacity, which may limit their judicial immunity. Additionally, if a judge fails to follow procedural requirements, such as those outlined in Tex. Fam. Code § 201.015, it could be grounds for recusal due to a lack of impartiality or procedural fairness.

[Tex. Civ. Prac. and Rem. Code § 101.053 Tex. Civ. Prac. and Rem. Code § 101.053 Judicial](#)

Extract

This chapter does not apply to a claim based on an act or omission of a court of this state or any member of a court of this state acting in his official capacity or to a judicial function of a governmental unit. 'Official capacity' means all duties of office and includes administrative decisions or actions.

Summary

The Texas Civil Practice and Remedies Code § 101.053 provides immunity to courts and their members for acts or omissions performed in their official capacity. This includes all duties of office, such as administrative decisions or actions. However, the allegations in the question suggest that the judges may have acted outside their jurisdiction or engaged in nonjudicial acts, which could potentially fall outside the scope of this immunity. Additionally, if a judge takes actions after a motion to recuse has been filed, it could be argued that they are acting outside their jurisdiction, which may not be protected by judicial immunity.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

Extract

without prejudice to the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

Summary

Powers of an associate judge, including the ability to render and sign certain orders, subject to the right to a de novo hearing. This indicates that the associate judge's actions are limited by the right to a de novo hearing, which, if requested, divests the associate judge of jurisdiction over the specified matters. This is relevant to the question of judicial immunity because if a judge acts outside of their jurisdiction, they may not be protected by judicial immunity. Additionally, the passage highlights the importance of adhering to procedural rules, which is relevant to the recusal question, as failure to follow these rules could be grounds for recusal.

[Tex. Gov't. Code § 33.022 Tex. Gov't. Code § 33.022 \[Effective 9/1/2025\]](#)
[Investigations and Formal Proceedings](#)

Extract

The commission may conduct a preliminary investigation of the circumstances surrounding an allegation or appearance of misconduct or disability of a judge to determine if the allegation or appearance is unfounded or frivolous... If, after conducting a preliminary investigation under this section, the commission does not determine that an allegation or appearance of misconduct or disability is unfounded or frivolous, the commission: shall: (A) conduct a full investigation of the circumstances surrounding the allegation or appearance of misconduct or disability; and (B) not more than seven business days after the commission staff commences a full investigation under this subsection, notify the judge in writing of: (i) the commencement of the investigation; (ii) the nature of the allegation or appearance of misconduct or disability being investigated; and (iii) the judge's right to attend each commission meeting at which the complaint is included in the report filed with commission members under Section 33.0212(a-2)...

Summary

The Texas Government Code provides a mechanism for investigating allegations of judicial misconduct. If an allegation is not deemed unfounded or frivolous, a full investigation is conducted, and the judge is notified of the investigation and the nature of the allegations. This process ensures that judges are held accountable for their actions and that any misconduct is thoroughly investigated. This is relevant to the question of judicial immunity and recusal because it outlines the process by which a judge can be investigated for misconduct, which may lead to recusal if the allegations are substantiated.

[Tex. Const. art. 15 § 6 Tex. Const. art. 15 § 6 Judges of District Court; Removal By Supreme Court](#)

Extract

Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court.

Summary

The passage provides grounds for the removal of a judge by the Supreme Court if they are found to be incompetent, guilty of partiality, oppression, or other official misconduct, or if their conduct renders them unfit to hold office. This suggests that if a judge engages in misconduct or fails to perform their duties, they may not be protected by judicial immunity. Additionally, the passage implies that such conduct could be grounds for recusal if it affects the judge's ability to impartially and competently preside over a case.

[Tex. Gov't. Code § 33.001 Tex. Gov't. Code § 33.001 \[Effective 9/1/2025\] Definitions](#)

Extract

For purposes of Section 1-a, Article V, Texas Constitution, 'wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties' includes: ... wilful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct; ... persistent or wilful violation of the rules promulgated by the supreme court; ... failure to cooperate with the commission; ... The definitions provided by Subsections (b) and (d) are not exclusive.

Summary

Judges in Texas can be subject to disciplinary actions, including recusal, for willful or persistent conduct that is inconsistent with their duties. This includes violations of the Texas penal statutes, the Code of Judicial Conduct, and rules promulgated by the supreme court. The passage suggests that such conduct could lead to a judge being recused if it is proven that they acted outside their jurisdiction or engaged in nonjudicial acts, which are not protected by judicial immunity.

[Qualified and Absolute Immunity at Common Law.](#)

Stanford Law Review - Stanford Law School - Keller, Scott A. - 2021-06-01

Extract

Yet toward the end of its 2019 Term, the Court denied several petitions for certiorari urging this reexamination. (7) Justice Thomas dissented from the denial of certiorari in one of... a probate court"--with authority over only "wills" and "estates"--initiated criminal trials "for public offences," then jurisdiction would be "entirely wanting," and the judge would lack immunity. (74) But an officer retained immunity for discretionary acts merely in excess of jurisdiction. For instance, if a court with criminal jurisdiction held "a

particular act to be a public offence"--although the law did not make the act an offense--the judge would still have immunity even though authorizing an arrest and trial for that nonoffense "would be in excess of his jurisdiction." (75) This doctrine therefore retained an "exemption from liability which obtains for errors." (76)

Summary

N example where a probate court, which only has authority over wills and estates, initiates criminal trials for public offenses, thus acting entirely outside its jurisdiction. In such cases, the judge would lack immunity. This principle is relevant to the question because if Judge Munford acted outside his jurisdiction, as alleged, he may not be entitled to immunity.

[RICO: A Primer](#)

Extract

Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses. To prove a violation of Section 1962(d), a plaintiff must prove the following elements: * The existence of an enterprise (or that an enterprise would exist); * That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and * That each defendant knowingly agreed that a conspirator would commit a violation of 18 U.S.C. ' 1962(c). The Supreme Court held that to establish a RICO conspiracy offense under Section 1962(d), there is no requirement that the defendant 'himself committed or agreed to commit the two predicate acts requisite for a substantive RICO offense under ' 1962(c).'

Summary

The passage explains the elements required to establish a RICO conspiracy offense, which includes the existence of an enterprise, its engagement in or effect on interstate commerce, and the knowing agreement of each defendant that a conspirator would commit a violation. This is relevant to the question because it provides insight into the legal framework under which the alleged actions of the judges and other parties could be evaluated as part of a RICO claim. If the judges were found to be part of a conspiracy to commit RICO offenses, their actions might fall outside the scope of judicial immunity, which typically protects judges for acts performed in their judicial capacity. Additionally, the passage highlights that a defendant does not need to have committed the predicate acts themselves, which could be relevant in assessing the involvement of the judges in the alleged conspiracy.

This memo was compiled by Vincent AI based on vLex materials available as of September 05, 2025. [View full answer on vLex](#)