

# Question

When a litigant is illegally removed from his home by a judge, and is forced to live under a fraudulent settlement agreement that claims he agrees but lacks his signature, and all appeals and efforts to overturn it fail, and the judges sua sponte set the case for final trial in the midst of all of these issues, what can the litigant do to prevent permanent loss of property interests and stop the final trial, especially when he's pursuing relief for damages from the removal from the home in a concurrent RICO case in federal court? The divorce is the product of conduct of an enterprise through a pattern of racketeering activity, and should be dismissed as a matter of law. The judges have refused to follow the law in Texas, and the litigant is out of state court options. Here's some context: NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA NO. 322-744263-23 & NO.

322-744538-23 In the Matter of the Marriage of Morgan Michelle Myers & Charles Dustin Myers and in the Interest of M.E.M & C.R.M, Minor Children. MOTION TO ENTER JUDGEMENT In the 322nd District Court. Tarrant County, Texas IN REGARD TO: JOINT MOTION TO RECUSE TO BE PRESIDED BY JUSTICE LEE GABRIEL i TABLE OF CONTENTS I. TEXAS PRECEDENT REGARDING RECUSAL ..... 1 II.

ARGUMENT ..... 2 III. Performing the Duties of Judicial Office Impartially and Diligently ..... 3 A. PRONG 1 - ADJUDICATIVE DUTIES

..... 3 B. PRONG 2 - ADMINISTRATIVE DUTIES ..... 4 C. PRONG 3 - DISCIPLINARY DUTIES ..... 4,5 D. THE TEXAS RULES OF CIVIL PROCEDURE ..... 5-7 E. APPLICATION OF CANON 3 AND REMEDIAL ACTION ..... 7-9 F. A CLOSER LOOK AT CANON 3(D)(2) ..... 9-13 G. FINAL THOUGHTS ..... 13,14 IV. CONCLUSION ..... 14,15 V. PRAYER ..... 16,17 AFFIDAVIT OF CHARLES MYERS ..... 18-21 CERTIFICATE OF SERVICE ..... 22 EXHIBIT A - Original Motion to Recuse....(Attached as Separate Lead Document) EXHIBIT 1 - Email correspondence regarding altered motion ..... 6 EXHIBIT 2 - Order of referral is amended, and reasons change ..... 6 EXHIBIT 3 - Respondents objection to questionable case management ..... 7 EXHIBIT 4 - Missing pleadings that remain undocketed ..... 7,13 ii EXHIBIT 5 - First Amended Motion for Temporary Orders ..... 16 EXHIBIT 6 - Affidavit of Steve Myers ..... 9 EXHIBIT 7 - Respondent's original answer ..... 11 These buttons found within the exhibits can be used to return the reader to where they left off for convenience. iii I. TEXAS PRECEDENT REGARDING RECUSAL In Texas, courts operate under a foundational presumption of impartiality. However, this presumption can be overcome if a movant presents compelling evidence

of bias that fundamentally threatens due process. The Texas Court of Appeals has emphasized this requirement: bias must be so severe that it denies the movant a fair and impartial hearing. In *Interest of E.R.C.*, 496 S.W.3d 270, 280 (Tex. App.—Texarkana 2016, pet. denied); *Ex parte Ellis*, 275 S.W.3d 109, 117 (Tex. App.—Austin 2008, no pet.). Simply put, due process mandates that all parties are heard by a neutral, detached judge. *Brumit v. State*, 206 S.W.3d 639, 644-45 (Tex. Crim. App. 2006). This is not just a procedural necessity; it's enshrined in both the U.S. Constitution and the Texas Constitution. Texas courts use the "reasonable person" test to determine whether recusal is appropriate: Would a well-informed, impartial observer reasonably question the judge's impartiality based on the known facts? *Hansen v. JP Morgan Chase Bank, N.A.*, 346 S.W.3d 769, 776 (Tex. App.—Dallas 2011, no pet.) (quoting *Sears v. Olivarez*, 28 S.W.3d 611, 615 (Tex. App.—Corpus Christi 2000, order) (en banc) (internal quotations and citations omitted)). If the answer is yes, recusal is warranted. In this case, numerous procedural missteps and decisions have seriously jeopardized the perception of fairness. Texas precedent, therefore, supports a careful review to uphold the judicial integrity required by law. Without evidence admitted in this matter, and without any findings on behalf of the tribunal, the court chose to sever the parent-child relationship for one parent due to false claims made by another prior to being afforded an opportunity to present his case. 1

II. ARGUMENT This case exemplifies a serious violation of core due process principles, particularly in the failure of the 322nd District Court of Tarrant County as a whole to substantiate its rulings with factual findings or evidentiary support. Such ungrounded decisions have resulted in substantial harm, indicating a concerning bias that jeopardizes a fair resolution. This bias has disrupted the parent-child relationship by unjustly favoring one parent, despite indications that this party has prioritized personal interests over the children's welfare, while penalizing the other without lawful basis. Without any factual or legal justification for these decisions, the only reasonable inference is an underlying bias, likely fueled by either fraudulent pleadings submitted by the Petitioner or an extrajudicial influence not in the record. These circumstances call for recusal to restore impartiality and procedural integrity. The judges' actions contravene their duties under the Texas Code of Judicial Conduct, disregarding fundamental protections enshrined in both the U.S. Constitution and Texas law. Given these considerations, Respondent CHARLES DUSTIN MYERS respectfully requests that the Court grant the Joint Motion to Recuse and, in the interest of judicial economy, issue judgment without a hearing if the opposing party does not respond by a designated date deemed appropriate by the court. The Respondent further seeks pre-admission of uncontested evidence relevant to this motion to assist the Court's determination. Given the questionable handling of the case, the original Joint Motion to Recuse has been concurrently attached as a separate lead document, fully hyperlinked for convenience. 2

III. Performing the Duties of Judicial Office Impartially and Diligently There are three prongs present within Canon 3 of the Texas Rules of Judicial Conduct. All three prongs, in general, "take precedence over all the judge's other activities", and each set forth standards to be followed in during the performance of such duties.<sup>1</sup> The issue is whether District Judge James Munford and Associate Judge Jeffrey Kaitcer should be recused. The rules and analysis of how they were applied in this case can only lead a reasonable fact finder to conclude that their recusal is

warranted. A. PRONG 1 - ADJUDICATIVE DUTIES The first prong is the adjudicative standard outlined in Canon 3(B) of the Texas Code of Judicial Conduct. Paragraph 2 requires that "[a] judge should be faithful to the law and shall maintain professional competence in it," and specifies that "[a] judge shall not be swayed by partisan interests, public clamor, or fear of criticism." Additionally, Paragraph 5 mandates that a judge "perform judicial duties without bias or prejudice," while Paragraph 8 ensures that "[a] judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law." Further, Paragraph 9 sets the standard that "[a] judge should dispose of all judicial matters promptly, efficiently and fairly." All of these paragraphs are directly relevant and can be applied in the determination of recusal. 1 Tex. Code Jud. Conduct Canon 3(A) 3 B. PRONG 2 - ADMINISTRATIVE DUTIES Standards for a judge's administrative responsibilities are outlined under Canon 3(C) of the Texas Code of Judicial Conduct. Paragraph 1 requires that "[a] judge should diligently and promptly discharge the judge's administrative responsibilities without bias or prejudice, maintain professional competence in judicial administration, and cooperate with other judges and court officials in the administration of court business." Additionally, paragraph 2 mandates that a judge must ensure that "staff, court officials, and others subject to the judge's direction and control observe the standards of fidelity and diligence that apply to the judge and refrain from manifesting bias or prejudice in the performance of their official duties." These standards are critical to the recusal motion because they underscore the judge's obligation not only to maintain impartiality in personal actions but also to actively prevent bias or prejudice in all court operations under their oversight. C. PRONG 3 - DISCIPLINARY DUTIES Canon 3(D) of the Texas Code of Judicial Conduct outlines a judge's disciplinary responsibilities, which directly relate to maintaining the ethical integrity of the judicial process. Paragraph 1 requires that if a judge has clear information that another judge has violated the Code, they must take appropriate action. When the violation raises substantial concerns about the other judge's fitness for office, the judge is obligated to inform the State Commission on Judicial Conduct or take other suitable measures. Similarly, Paragraph 2 mandates that a judge who learns of a lawyer's serious 4 breach of the Texas Disciplinary Rules of Professional Conduct—especially one that questions the lawyer's honesty, trustworthiness, or overall fitness—must report the violation to the Office of the General Counsel of the State Bar of Texas or take other appropriate action. These disciplinary obligations are highly relevant to the recusal motion. The standards reinforce a judge's duty to uphold ethical conduct across all roles in the judicial system, ensuring that neither judicial nor legal misconduct goes unaddressed. In cases where bias, impropriety, or ethical breaches by a presiding judge are evident, the principles in Canon 3(D) underscore the necessity of recusal to protect the integrity of the proceedings and maintain the judiciary's credibility in the eyes of the public. Notwithstanding the reasons set forth in the joint motion to recuse, the additional facts explained below show an intentional effort to deprive the Respondent access to justice after he has exhausted all other State remedies, and one needs to look no further than how the joint recusal motion was handled to highlight this effort showcasing the appearance of impartiality, which warrants recusal. D. THE TEXAS RULES OF CIVIL PROCEDURE Pursuant to the Texas Rules of Civil Procedure 18(a)(f), the

Respondent judges have two options once a motion to recuse is filed. 1) the judge can file with the clerk an order of recusal or disqualification, or 2) the judge can sign and file with the clerk an order referring the motion to the regional presiding judge. 5 7. Rather than filing the orders of referral with the clerk of the court, they were forwarded from the court coordinator via email, Lindsey Baker, without the required certificate of service and remain inaccessible through the Texas Supreme Court approved electronic filing manager, re:Search Texas. The original motion was altered and did not contain the affidavit or exhibits vital to the motion. This fact was promptly pointed out in Exhibit 1, where the file size difference can be seen from the email attachments. Click for reference. Lindsey Baker then confirmed that the exhibits and affidavits had been forwarded. The file size difference was then pointed out in the last correspondence chain found within Exhibit 1, to which an amended order of referral followed, and the reasons given for the modification of the original motion changed due to the motion's length, thereby justifying the modification of the original motion into three parts. See Exhibit 2. Click for reference. Given that the very purpose of re:Search Texas is to streamline the process of service and case management, it raises the question as to why the court would choose to utilize the platform up until the joint motion to recuse was filed. Further, the Frequently Asked Questions found within the District Clerk's website for electronic filing specifically reiterate that exhibits should be merged into one document with the lead document, and that the file size limit is 35mb. Given that the Respondent's original joint motion to recuse was well under the maximum size of 35mb, and the joint motion was filed as one document as the clerk prefers – why was it modified and served outside of 6 the requirements of Rule 21a of the Texas Rules of Civil Procedure? These facts were highlighted in the Respondent's formal objection filed and served on all parties through the EFM on October 10, 2024, and is attached hereto as Exhibit 3, and remains undocketed at the time of filing this motion. Click for reference. Finally, contradicting everything above, Judge Jeff Kaitcer's order of referral was properly served through the EFM as one document, with the affidavit and all exhibits attached as one motion, but is albeit missing from the electronic case docket. All undocketed filings that have been accepted by the court but remain missing from the re:Search Texas platform or that have been served to the respondent and are missing from the re:Search Texas platform have been attached hereto as Exhibit 4. Click for reference. E.

**APPLICATION OF CANON 3 AND REMEDIAL ACTION** The actions of Judges Munford and Judge Kaitcer demonstrate a clear departure from the standards of impartiality and integrity mandated by Canon 3 of the Texas Code of Judicial Conduct. The facts before this court reveal a pattern of procedural inconsistencies and biased decision-making that stem, in large part, from the Petitioner's misleading tactics—an influence that these judges have inadvertently allowed to impact their rulings. Even though such information may have been obtained during the proceedings, that information was kept private and never disclosed or entered into the record, leaving an appearance of impartiality, which is enough to warrant recusal. See *Rogers v. Bradley*, 909 S.W.2d 872, 873 (Tex.1995) (“Declaration of Recusal” by 7 Gammage, J.) (noting that issue is one of perception). “[B]eyond the demand that a judge be impartial is the requirement that judge appear to be impartial so that no doubts or suspicions exist as to the fairness or integrity of the court.”; see also *Sears v. Olivarez*, 28 S.W.3d 611,

613-14 (Tex.App.-Corpus Christi 2000, no pet.). The facts outlined above raise serious doubts to these requirements. Under Canon 3(B), judges are required to adjudicate based on impartiality and factual accuracy. However, the judges' failure to critically assess the Petitioner's narrative of hardship, coupled with improper handling of filings, has resulted in decisions that lack factual support and undermine the Respondent's rights to a fair hearing. This court now has the opportunity to address this lapse by recusing the judges and ensuring the case is overseen with genuine impartiality. Canon 3(C) underscores the judges' responsibility to administer the court's operations consistently and transparently. The irregular handling of critical filings— orders forwarded without proper certificates of service, mismanagement within the EFM system, and discrepancies in access— demonstrate a failure in maintaining the procedural integrity essential to a fair process. These administrative oversights have obstructed the Respondent's access to justice, and this court now has both the facts and the authority to remedy this. Finally, Canon 3(D) obligates this court to take appropriate action if it is established that a violation has occurred within the code. The Respondent believes that the violation is merely a product of relying on fraudulent pleadings by the Petitioner 8 mixed with permitting a likely unauthorized attorney to prosecute the case and does not reflect on either Judge Munford or Judge Kaitcer's overall fitness for office. F. A CLOSER LOOK AT CANON 3(D)(2) A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action. To assist in this determination, notwithstanding the current challenge to Ms. Carter's authority, one needs to look no further than the current temporary orders in place, which is attached as Exhibit I in the original joint motion to recuse filed on October 7, 2024. On page 1, the orders read: "On February 1, 2024, the Court heard Petitioner's motion for temporary orders." A review of the record will show that no motion for temporary orders has been served to the Respondent in this matter, no notice of hearing was served to the parties regarding such a motion, and no hearing ever occurred regarding this motion. The orders move on to state that both parties "appeared by counsel and announced ready" and "signed an agreed associate judge's report" when in fact, both parties appeared, but were rushed into a settlement agreement by the Respondent's prior counsel due to his unwillingness to remain in the courthouse all day, leading to his termination. Steve Myers, a witness, was present in the conference room during this exchange. Neither party went before the judge on February 1st, 2024. See Exhibit 6. 9 21. The agreement, which can be found in Exhibit E in the original joint motion to recuse, had the following provisions at the bottom of page 5 of the agreement: "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." Given that an agreement was clearly not reached, the orders were reduced to writing well beyond the 20 day requirement, the orders were not prepared by Dan Bacalis, no motion to sign was filed, and the Respondent was not given 5 days to review the orders, it calls into question as to how

they were permitted to be rendered despite lacking the Respondent's signature and despite being served to him immediately prior to a hearing scheduled to challenge their legal foundation. Notwithstanding the above, the mere fact that the orders state "[t]he parties have agreed to the terms of this order as evidenced by the signatures below." and no signature from the Respondent is present showcases a pre-determined outcome, and a one-sided favoritism that warrants recusal. Finally, and most concerning, is the fact that Judge Jeff Kaitcer affixed his signature to this document which states that "[t]he Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that 10 all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties." The foregoing statement can't possibly be true for two reasons. 1) No evidence has been admitted into this case, and no argument from counsel was presented – only baseless objections without foundation. 2) The associate judge could not have possibly examined the record, because it is apparent that consent was not present at the time of rendition, and the directives he ordered within the agreement were not followed. Expanding on point 2 above, the associate judge could not possibly have examined the record because in the original answer to the protective order filed by the Respondent, he claimed duress as an affirmative defense alongside fraud and illegality. See Exhibit 7. There can be no claim of duress unless the following elements are present: (1) a threat or action taken without legal justification; (2) the threat or action was of such a character as to destroy the other party's free agency; (3) the threat or action overcame the opposing party's free will, causing them to do something they would not otherwise have done and were not legally bound to do; (4) the restraint was imminent; and (5) the opposing party had no present means of protection (*McMahan v. Greenwood*, 108 S.W.3d 467, 482 (Tex.App.-Houston [14th Dist.] 2003, pet. denied)). 11 28. The Petitioner's actions—including seeking an emergency ex parte order, initiating an eviction, filing for divorce, and pursuing an additional protective order—occurred within an 8-day span, representing actions taken without legal justification. These actions threatened the Respondent's livelihood by removing him from the residence he needed to provide for his children, as well as from the home where his children had been raised with their father. This threat materialized on January 16, 2024, when the Respondent was ordered to vacate the residence without justification. These actions forced the Respondent to sign an agreement he would not have otherwise accepted. This agreement allowed him to return to the residence but involved conditions that removed his children from their home and was under no legal obligation to settle given the circumstances of the case and the baselessness of the claims made against him. If the Respondent did not sign, he would have faced no alternative other than continued exclusion from his residence and further impairment of his ability to provide for his children. This threat was imminent. The Respondent's counsel advised him to sign the agreement instead of proceeding to a hearing, leaving him without a viable means of protection at that time. All elements of duress were present when the Respondent signed the agreement. Judge Kaitcer and Ms. Carter were aware that consent was not present when 12 the orders were rendered yet were entered regardless. This disregard for procedural fairness and apparent partiality underscores the need for recusal. Finally, Ms. Carter signed a pleading containing false statements, in

violation of Rule 4.01(a) of the Texas Rules of Disciplinary Conduct. She claimed that the Respondent agreed to the orders, that they were based on a hearing that never occurred, and referenced a motion never served to the Respondent. This court should address these actions in accordance with Canon 3(D)(2) of the Texas Code of Judicial Conduct. G. FINAL THOUGHTS According to Tex. R. Civ. P. 21(d)(a)(1), a "court proceeding" includes any appearance before the court, such as a hearing or trial. Per Tex. R. Civ. P. 21(a), every pleading, plea, motion, or application to the court for an order—whether presented as a motion, plea, or other request—must be filed with the court clerk in writing, state the grounds, and be noted on the docket unless presented during a hearing or trial. Should this matter proceed to a hearing, the court must adhere to the Texas Rules of Civil Procedure, including docketing all missing items listed in Exhibit 4 and following the service requirements in Rule 21a when scheduling the hearing. Informal notices via email only obscure the opportunity for an appeal and fail to comply with Texas Civil Procedure. The court cannot continue to overlook its duty to correct these oversights, nor can it ignore state laws to uphold decisions lacking any legal justification. 13 37. It is deeply troubling that the Respondent, a self-represented litigant, must underscore basic procedural requirements to ensure adherence to standard rules, while the Petitioner's attorney has repeatedly disregarded these processes by raising baseless objections in proceedings yet remaining silent in the record. This absence of accountability raises questions about the attorney's commitment to ethical standards and procedural integrity, and it is perplexing that any reviewing judge could ignore the severity of the issues documented in this brief. It remains unanswered how a citizen of this state can be removed from his home and stripped of custody of his children based solely on unproven accusations by the other parent, without the opportunity to defend himself. Our society—and especially our children—should not be subjected to this level of disregard by elected officials. When such actions come from a vindictive parent willing to falsify their financial status and weave a false narrative for protection, the court should take appropriate action to prevent such deceptive actions from occurring in the future, and should surely be a factor in determining their fitness as a parent. IV. CONCLUSION Recusing Judges Munford and Kaitcer is the first step to restore the Respondent's rights as all other state remedies have been exhausted. These are essential first steps this court can now take. These actions will not only uphold Canon 3(D)'s standards but will also correct procedural injustices, ensuring that the case can proceed in alignment with 14 the highest principles of fairness and impartiality. Such measures will allow new judges to enter the case and review the facts unobscured by the intentional deceptions that have compromised these proceedings, ultimately protecting the children's best interests as mandated by the Texas Family Code. Given the court's decision to stop docketing pleadings at the time the recusal motion was filed, along with its handling of the matter outside established legal standards, any reasonable member of the public, fully informed of the facts, would reasonably question whether the judges were acting impartially in this case. Such impartiality has rewarded a mother that has fabricated not only her financial status to this court, but also a false need for protection that should be taken as serious violations that are apparent from the face of her pleadings. To continuously deprive a parent of his constitutionally protected rights to his children and residency despite being given every opportunity to

correct the situation showcases a blatant refusal by the current judges to either fix the situation or provide legal justification for their decisions. Without a factual basis or explanation for the court's decisions, they must be recused so that the truth of the matter may be addressed after ten wasted months. The court must not tolerate the levels of deception and fraud committed by the Petitioner, and the Respondent reiterates that despite the egregious acts taken against him in totality, he holds no ill will toward any participant in this matter, and solely seeks a just and swift resolution for the sake of his children. 15 V. PRAYER The respondent respectfully requests the following relief from this court: Immediately recuse both judge James Munford and Jeff Kaitcer from this matter by a date deemed appropriate by the court should no response be filed from the opposing party in opposition to the relief requested herein. Require that the clerk of the court docket the missing documents in accordance with the Texas Rules of Civil Procedure 21a found in Exhibit 4. Click for reference. Take judicial notice of the Petitioner's deception by examining her pleadings and the effects it has had on the case. Take judicial notice of the effort put forth by the Respondent to correct this situation and the lack thereof from the opposing party. Pre-admit all exhibits attached hereto, and all exhibits found within the original Joint Motion to Recuse, attached to this envelope as a separate lead document to prevent confusion when referencing exhibits. Adopt the Respondent's First Amended Motion for Temporary Orders attached hereto as Exhibit 5 and take judicial notice of the Respondent's parenting plan, attached as Exhibit L in the original joint motion to recuse and admit both into evidence. 16 7. Award any other extraordinary relief deemed appropriate and necessary by the court given the circumstances presented. Respectfully submitted, /s/ Charles Dustin Myers CHARLES DUSTIN MYERS Pro-se 817-507-6562 Chuckdustin12@gmail.com 17 AFFIDAVIT OF CHARLES MYERS STATE OF TEXAS COUNTY OF TARRANT BEFORE ME, the undersigned authority, on this day personally appeared Charles Dustin Myers, who, after being duly sworn, did depose and state as follows: Introduction and Background My name is Charles Dustin Myers, and I am the Respondent in the case No. 322- 744263-23 & No. 322-744538-23, In the Matter of the Marriage of Morgan Michelle Myers & Charles Dustin Myers and in the Interest of M.E.M. & C.R.M., Minor Children, currently pending in the 322nd District Court of Tarrant County, Texas. I am above 18 years of age, competent to make this affidavit, and have personal knowledge of the facts stated herein, which are true and correct. Procedural Violations and Due Process Concerns Since the initiation of this case, I have encountered numerous procedural irregularities that have obstructed my right to a fair hearing. I was removed from my residence and separated from my children on January 16, 2024, based solely on allegations made by the Petitioner, without any evidentiary findings or an opportunity to defend myself in a formal hearing. This deprivation of my rights was executed without adherence to the foundational principles of due process. Duress in Signing the February 1, 2024, Agreement On February 1, 2024, I was compelled to sign an agreement that I did not fully 18 understand nor agree with. This agreement allowed me limited access back into my residence but resulted in the removal of my children from their home. My decision to sign was made under duress, as I was advised by my attorney to accept these terms rather than proceed to a hearing, due to the potential of further exclusion from my home and livelihood. I felt I had no other viable option to safeguard my



ability to continue providing for my children. Bias and Lack of Impartiality I have serious concerns regarding the impartiality of Judges Munford and Kaitcer, as the procedural management of this case has shown a consistent disregard for my rights. My filings and objections have been met with resistance and have often been undocketed or handled irregularly, while the Petitioner's pleadings have proceeded unchecked, despite containing misleading and unsubstantiated claims. This pattern of favoritism and procedural leniency towards the Petitioner has compromised the integrity of these proceedings. Misrepresentation and Lack of Consent in Orders The current orders on record falsely state that both parties appeared before the court on February 1, 2024, announced readiness, and signed an agreed associate judge's report. In reality, there was no formal hearing or review of evidence on that date, and I did not give my consent to the terms as recorded. Furthermore, the orders assert that necessary legal prerequisites were met, when, in fact, no such procedural steps were observed. These inaccuracies directly impact my rights and the fairness of these proceedings.

19 6. Unethical Conduct and Professional Misconduct The Petitioner's counsel, Ms. Carter, signed and submitted pleadings containing false statements, misrepresenting my consent to the orders and claiming that a hearing had occurred when it had not. This conduct violates Rule 4.01(a) of the Texas Rules of Disciplinary Conduct and Canon 3(D)(2) of the Texas Code of Judicial Conduct. Such behavior not only misleads the court but also deprives me of a fair and just resolution. Need for Recusal Given these procedural irregularities, false representations, and lack of impartiality demonstrated by Judges Munford and Kaitcer, I respectfully request their recusal from this case. Their actions and the management of this case have created an appearance of partiality, depriving me of my right to due process and casting doubt on the integrity of these proceedings. Request for Judicial Review and Corrective Action I request that this court take immediate action to address the procedural oversights, docket missing filings as per Texas Rules of Civil Procedure, and ensure an impartial review of the facts in this case. I seek a fair hearing, free from bias, where the truth can be assessed without obstruction. In the interest of justice, I also urge the court to examine the Petitioner's documented misrepresentations and their impact on the well-being of my children, M.E.M. and C.R.M. 20 9. Conclusion This affidavit is submitted with sincere intent to restore fairness and procedural integrity to these proceedings, not out of malice or animosity toward any individual involved. My only goal is to reach a resolution that genuinely considers the best interests of my children and respects my constitutional rights as a parent. I declare under penalty of perjury that the foregoing is true and correct. X \_\_\_\_\_

CHARLES DUSTIN MYERS  
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OF SERVICE Respondent, CHARLES DUSTIN MYERS, certifies that a true  
copy of this trial brief and all exhibits were served in accordance with Rule  
21a of the Texas Rules of Civil Procedure on the following on 11/11/24:  
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1-817-507-6562 Pro-se 22 EXHIBIT 1 Initial Referral Discrepancies YY(cid:152)K(cid:152)LNI(cid:8)YYOM(cid:132)(cid:8)PQ (cid:153)Z8UT(cid:8)'(cid:8)QB;;X(cid:8)rLL'(cid:131)NNL(cid:132)r'Lr (cid:0)(cid:2)(cid:3)(cid:4)(cid:5)(cid:6)(cid:7)(cid:8)(cid:9)(cid:6)(cid:10)(cid:11)(cid:8)(cid:12)(cid:13)(cid:2)(cid:14)(cid:13)(cid:15)(cid:10)(cid:14)(cid:11)(cid:16)(cid:6)(cid:17)(cid:18)(cid:19)(cid:20)(cid:21)(cid:22)(cid:3)(cid:6)(cid:5)(cid:23)(cid:13)(cid:24)(cid:22)(cid:25) %(cid:8)&'()\*'(cid:26)(cid:27)(cid:28)(cid:29)(cid:30)(cid:8)(cid:31) !"# \$ (cid:31)! (cid:31) +,-.(cid:30)(cid:28)(cid:27)(cid:8)/0(cid:8)123(cid:28)(cid:29)(cid:8)456789;=?@A>=B=CDE@FG H@O(cid:8)RS8;TU:(cid:8)VUWX(cid:8)4?SA?9WAX=U>YLD?@ZGI(cid:8)]R^\_ 'T:E8T' aYNW(cid:8)?@;;X[@>W:>?:(cid:8)c;@Z(cid:8)dAWE:(cid:8)QA>c@;W(cid:8)=@(cid:8)dAWE:(cid:8)eF8>X(cid:8)8>W(cid:8)8>(cid:8)J;W;:(cid:8)@c(cid:8)f:c;;8TD (cid:8) HS8>9(cid:8)B@AD W (cid:8)R@A;=(cid:8)R@@;WU>8=@; rLL (cid:8) ghijklm(cid:8)noplq H8;;8>=(cid:8)R@A>=B(cid:8)s8ZUTB(cid:8)58t(cid:8)R:>=; =S uvv(cid:8)wx(cid:8)yz{|}z~(cid:127)(cid:128)~(cid:129)I(cid:8)N (cid:8)cT@@; s@;=(cid:8)(cid:130)@;=SI(cid:8)H:C8X(cid:8)(cid:131)(cid:132)Ya(cid:132) PS@>:O(cid:8)(cid:133)KY(cid:131)(cid:134)(cid:8)KKN'Y(cid:135)a(cid:131)(cid:8) (cid:8) (cid:8)2(cid:136)(cid:136)2(cid:137)(cid:138)(cid:139)(cid:28)-(cid:136)(cid:30) (cid:140)(cid:141)(cid:29)(cid:29)(cid:28)(cid:30)(cid:142)(cid:141)-.(cid:28)-(cid:137)(cid:28)0(cid:142).(cid:143) rr6 (cid:26)(cid:27)(cid:28)(cid:29)(cid:30)!(cid:144)(cid:29).(cid:28)(cid:29)(cid:8)(cid:141)(cid:143)(cid:8)(cid:145)(cid:28)(cid:143)(cid:28)(cid:29)(cid:29)2(cid:146)0(cid:142).(cid:143) YMa(cid:132)6 (cid:140)(cid:138)2(cid:29)(cid:146),(cid:28)(cid:8)(cid:147),.(cid:30)(cid:8)4?SA?9WAX=U>YLWX:B(cid:8)6D(cid:8)789;:] (cid:8)456789;=?@A>=B=CDE@FG \_:8;(cid:8)5U>WX8B(cid:8)789;;I HA:I(cid:8)J?=(cid:8)KI(cid:8)LMLN(cid:8)8=(cid:8)(cid:132)OLa(cid:8)PQ (cid:148)(cid:8)S@[:(cid:8)=SUX(cid:8):Z8UT(cid:8)cU>WX(cid:8)B@A(cid:8)t:TTD(cid:8)(cid:148)(cid:8)8Z(cid:8)t;U=U>E(cid:8)=@(cid:8)U>c@;Z(cid:8)B@A(cid:8)=S8=(cid:8)ZB(cid:8)Q@=U@>(cid:8)=@(cid:8)f:AX:I(cid:8);:c;;>?:W(cid:8)U>(cid:8)B@A;(cid:8)Z:XX8E:I(cid:8)Z8B S8F:(cid:8)(cid:149):>(cid:8)c@;t8;W:W(cid:8)tU=S@A=(cid:8)=S:(cid:8)8==8?S:W(cid:8):CSU(cid:149)U=X(cid:8)8>W(cid:8)8ccUW8FU=X(cid:8)=S8=(cid:8)8;:(cid:8)?;U=U?8T(cid:8)=@(cid:8)=S:(cid:8)Z@=U@>D HS:(cid:8):CSU(cid:149)U=X(cid:8)8>W(cid:8)8ccUW8FU=X(cid:8)[];@FUW:(cid:8)>?:XX8;B(cid:8):FUW:>?:(cid:8)8>W(cid:8)XA[[@;=(cid:8)c@;(cid:8)ZB(cid:8)?T8UZXI(cid:8)8>W(cid:8)U=(cid:8)UX(cid:8)UZ[[@;=8>=(cid:8)=S8=(cid:8)=S:(cid:8)?@A;=(cid:8)S8X 8??:XX(cid:8)=@(cid:8)=S:(cid:8)cATT(cid:8);:?@;WD(cid:8)R@ATW(cid:8)B@A(cid:8)[T:8X:(cid:8)?@>cU;Z(cid:8)tS:=S;:(cid:8)=S:X:(cid:8)W@?AZ:>=X(cid:8)t;:(cid:8);:UF:W(cid:8)tU=S(cid:8)ZB(cid:8)Z@=U@>(cid:150)(cid:8)(cid:148)=(cid:8);8UX:X cA;=S;:(cid:8)?@>?:>(cid:8)=S8=(cid:8)=S:B(cid:8)8;:(cid:8)ZUXXU>ED PT:8X:(cid:8)T:=(cid:8)Z:(cid:8)9>@t(cid:8)=S:(cid:8)8[[];@[];U8=:(cid:8)[];@?:XX(cid:8)=@(cid:8):>XA;:(cid:8)=S8=(cid:8)=S:X:(cid:8)W@?AZ:>=X(cid:8)8;:(cid:8)8WW:W(cid:8)=@(cid:8)=S:(cid:8)?@A;=(cid:151)X(cid:8);:?@;WD(cid:8)HS8>9(cid:8)B@A S==[XO(cid:152)(cid:152)Z8UTDE@@ET:D?@Z(cid:152)Z8UT(cid:152)A(cid:152)M(cid:152)(cid:150)U9(cid:154)YrKraN(cid:132)Yc(cid:131)(cid:155)FU:t(cid:154)[=(cid:155)X:8;?S(cid:154)8TT(cid:155)[;:Z=SUW(cid:154)=S;:8W'cOYKYLRKr(cid:132)aN(cid:132)(cid:132)ML(cid:132)NaRK(cid:155)XUZ[T(cid:154)ZXE'cOYKYLRKr(cid:132)aN(cid:132)(cid:132)ML(cid:132)N(cid:156) c@;(cid:8)B@A;(cid:8)

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EXHIBIT 3 Formal Objection and Request to Docket 322-744263-23 NO.  
24-0395 FILED TARRANT COUNTY 10/10/2024 12:54 PM THOMAS A.  
WILDER DISTRICT CLERK 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 OBJECTION AND REQUEST AND  
IN THE INTEREST OF MARA MYERS AND CAROLINE MYERS, CHILDREN  
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 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. The  
correspondence to Regional Judge David Evans from District Judge James  
Munford has not been docketed. 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 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 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 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 PLEADNIGS 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. 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 CASE METADATA - RESEARCH TX AS OF 10/10/24 submitter name CHARLES D MYERS CHARLES D MYERS CHARLES D MYERS CHARLES D MYERS Officer Filer 914 description ORDER ON RULE 12 MOTION RULE 12 MOTION TO SHOW AUTHORITY Second Amended Counterpetition for Divorce Objection to Title-IV Intervention INTE MOTION FOR JOINDER OF PERSONS NEEDED FOR JUS CHARLES D MYERS Notice of Completion - Children in the Middle CHARLES D MYERS CHARLES D MYERS Objection to Motion for Pre-trial Conference MOTION FOR PRETRIAL CONFERENCE Roderick D Marx FIRST AMENDED NOTICE OF FILING OF ORIGINAL PRO CHARLES D MYERS NOTICE OF FILING ORIGINAL PROCEEDING AND MOTI CHARLES D MYERS Request for Findings of Fact and Conclusions of Law CHARLES D MYERS Second Amended Notice of Judicial Review Request for Clerk to Prepare Record First Amended Notice of Judicial Review Notice of Judicial Review Respondent's Required Initial Disclosures Notice / Unsworn Declaration Sherma Proctor Lucas Sherma Proctor Lucas

CHARLES D MYERS CHARLES D MYERS CHARLES D MYERS CHARLES D MYERS CHARLES D MYERS Cynthia Cotman Proposed Order for the Motion for Partial Summary Jud CHARLES D MYERS Motion for Partial Summary Judgement CHARLES D MYERS RESPONDENT'S ANSWER TO PETITIONER'S FIRST AME CHARLES D MYERS ORD FOR W/ D EMERGENCY MOTION TO RECONSIDER EVIDENCE AN CHARLES D MYERS AGD ORD TO CONSOL AGD AJ REP Agreed Motion for Withdrawal of Attorney Notice of Change in Legal Representation in Case No. 3CHARLES D MYERS FIRST AMENDED PETITION FOR DIVORCE First Amended Counterpetition for Divorce Veronica Luna Veronica Luna Lindsey McNabb Roderick D Marx Tammy Johnson Veronica Luna docketed 2024-09-20T15:31:19.923 2024-09-20T15:31:19.923 2024-07-05T10:12:38.757 2024-07-01T00:00:00 2024-06-28T12:35:54.01 2024-06-24T00:00:00 2024-04-30T23:19:08.233 2024-04-24T17:13:59.06 2024-04-24T09:58:31.463 2024-04-04T13:40:56.46 2024-04-03T10:32:30.553 2024-03-26T17:15:46.607 2024-03-26T15:19:25.047 2024-03-26T15:19:25.047 2024-03-26T00:00:00 2024-03-26T00:00:00 2024-03-22T17:49:29.86 2024-03-21T10:47:25.967 2024-03-04T14:15:00.67 2024-03-04T00:00:00 2024-02-27T12:33:14.78 2024-02-22T11:23:08.213 2024-02-22T11:23:08.213 2024-02-14T23:02:22.3 2024-02-12T16:31:39.78 2024-02-09T15:17:19.787 2024-02-08T14:29:20.003 2024-02-08T14:29:20.003 2024-02-06T16:28:16.837 2024-02-05T20:36:43.217 2024-01-31T17:08:20.873 2024-01-31T14:51:39.407 EXHIBIT (cid:21) (cid:46)(cid:74)(cid:84)(cid:84)(cid:74)(cid:79)(cid:72) (cid:70)(cid:79)(cid:87)(cid:70)(cid:77)(cid:80)(cid:81)(cid:70)(cid:84) (cid:71)(cid:83)(cid:80) (cid:78) (cid:85)(cid:73)(cid:70) (cid:83)(cid:70)(cid:27)(cid:52)(cid:70)(cid:66)(cid:83)(cid:68)(cid:73) (cid:53)(cid:70)(cid:89)(cid:66)(cid:84) (cid:49) (cid:77)(cid:66)(cid:85)(cid:71)(cid:80)(cid:83)(cid:78) EXHIBIT 5 Respondent's unopposed First Amended Motion for Temporary Orders - filed 09/27/24. 322-744263-23 FILED TARRANT COUNTY 9/27/2024 12:12 PM THOMAS A. WILDER DISTRICT CLERK 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 First Amended Motion for Temporary Orders AND IN THE INTEREST OF M M CHILDREN AND C M EXPEDITED RELIEF REQUESTED BY OCTOBER 1ST, 2024 09/27/2024 FOREWORD On January 16th, 2024, amid inclement weather, the Respondent was ordered to vacate the residency at a show cause hearing for an order of protection where a continuance was granted, and cause number 322-744263-23 was consolidated with cause number 322-744538-23 on the court's own motion, and the case was reset to January 22nd, 2024, and then again for February 1st, 2024, where a settlement agreement was quickly drafted and Respondent was advised to sign it by his former counsel. This led to the subsequent termination of counsel, leaving Respondent to request an emergency hearing to vacate the associate judge's report for temporary orders, which was the only hearing to date in this case after eight months. The unusual circumstances surrounding the initiation of this case warrant the court's reconsideration of the Respondent's original answer and subsequent briefs<sup>1</sup> filed before the initial setting. Given the evolving facts and the clear foresight demonstrated in these earlier submissions, Respondent respectfully urges the court to revisit these filings in the



interest of ensuring a just resolution. 1 THIS PLEADING IS INTERACTIVE AND BOOKMARKED FOR THE COURT'S CONVENIENCE FIRST AMENDED MOTION FOR TEMPORARY ORDERS Pursuant to Texas Family Code §§ 105.001(a)(3) and (a)(4), Respondent respectfully requests that the court issue the following temporary orders without notice or hearing to the Petitioner, for the safety and welfare of the children and in the interest of judicial economy: Tex Fam. Code §§ 105.001(a)(3); (a)(4) Temporary Orders Before Final Order Respondent respectfully requests the court enter temporary orders: A . Prohibiting Petitioner, MORGAN MICHELLE MYERS, from removing the children, M E M and CAROLINE ROSE MYERS, beyond 6641 Anne Court, Watauga, TX 76148 while the case is pending, applied equally to Respondent. B . Prohibiting Petitioner, MORGAN MICHELLE MYERS, or any third party acting on her behalf or with knowledge of this case, from disturbing the peace and well-being of the minor children, M E M and C R M and Respondent, CHARLES DUSTIN MYERS, during the pendency of this case, applied equally to Respondent.. Tex Fam. Code §§ 6.501 Temporary Restraining Order Respondent respectfully requests that the court grant the following temporary restraining order without notice against the Petitioner in this matter: 2 C. Respondent, CHARLES DUSTIN MYERS, asks the court to grant the following temporary restraining order against the Petitioner, MORGAN MICHELLE MYERS for the preservation of the property at 6641 Anne Court, Watauga, TX 76148 and for the protection of the parties, prohibiting Petitioner, MORGAN AND CHARLES MYERS, from: (i) intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party; (ii) threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party; (iii) placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party; (iv) intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party; 3 (v) threatening the other party or a child of either party with imminent bodily injury; (vi) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage; (vii) intentionally falsifying a writing or record, including an electronic record, relating to the property of either party; (viii) intentionally misrepresenting or refusing to disclose to the other party or to the court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information; (xi) intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information; (x) intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically 4

stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party; (xi) destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium; (xii) using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account; (xiii) excluding the other party from the use and enjoyment of a specifically identified residence of the other party; Tex Fam. Code §§ 6.503 AFFIDAVIT, VERIFIED PLEADING, AND BOND NOT REQUIRED D. Respondent, CHARLES DUSTIN MYERS requests the court issue the above orders without notice and hearing and in the absence of a verified pleading, affidavit, and dispense with the necessity of a bond on behalf of the parties, their children, and the protection of their property in connection with these orders pursuant to the Texas Family Code, section 6.503 without notice and hearing. 5 4. Extraordinary relief E. Given the extraordinary circumstances of this case, Respondent, CHARLES DUSTIN MYERS, requests that the court order his return to the residency, where he will resume rent payments and begin transitioning and recovering from the ongoing deprivation that has lasted throughout the case. The Respondent has attached a proposed parenting plan which was overlooked on January 16th, 2024, when this court decided to order him to vacate the residency which he requires to financially support the Children during the pendency of the case. F. Respondent, CHARLES DUSTIN MYERS further requests that the court vacate the orders currently in place sua sponte replacing them with the current orders, which will allow him to withdraw his Motion for Rehearing in the Supreme Court of Texas. Cause no. 24-0395. G. The Respondent, CHARLES DUSTIN MYERS prays the Court will take swift action and intends to demonstrate through his actions how these orders suit the best interests of the children in this case. H. The Respondent respectfully requests expedited action on this motion by October 1st, 2024, as he will be forced to temporarily relocate to Denton, Texas pending relief, which will further exacerbate the situation and will further separate him from his children. 6 CONCLUSION i. The Petitioner appeared before this Court on December 14, 2023, requesting an ex-parte temporary order of protection, and subsequently filed a protective order on December 22, 2023. The Respondent contends that the Petitioner's narrative is an attempt to avoid accountability for her extramarital affairs which was discovered just prior to the initiation of her pleadings. ii. While the Petitioner engaged in activities outside the marriage, the Respondent remained at home caring for the children. During the time the Petitioner pursued legal actions shortly before Christmas, the Respondent was preparing for the children's holiday. Since taking residence in the family home, the Petitioner has reportedly moved in her sister, reduced her employment to three hours per day, failed to complete the court-ordered parenting course, and is not contributing rent to her grandmother. The Respondent asserts that there is sufficient evidence on record to substantiate these claims, and predicted this exact outcome within his first pleadings within the clerk's record, attached hereto. iii. The Respondent believes that this case has been conducted in the best interest of the Petitioner rather than the children, a concern that has been

repeatedly raised without response. The current orders in place are lack lawful foundation, and there has been minimal meaningful engagement from the Petitioner's attorney. The Respondent is concerned about the ongoing financial erosion affecting the children's well-being and sees no logical basis to consider the existing arrangements as serving their best interests.

iv. Granting this motion would initiate a long-overdue healing process. The Petitioner should be required to explain her actions and be held accountable. The Respondent emphasizes the critical need for access to the residence to provide for the children while seeking alternative accommodations nearby. This need is argued to take precedence over the Petitioner's desire to protect herself from the consequences of her own actions.

v. The Respondent respectfully urges the Court to intervene and make a decision that genuinely serves the best interests of the children.

vi. If anything else – the orders currently in place show the truth. Mother can't pay rent, hasn't completed her responsibilities for the Children, and has reduced her employment. Father has followed all aspects of the orders that he is able to given the circumstances.

vii. So long as the Children are in Father's care and he is given a fair amount of time to transition from the residency to ensure that he may still provide for his Children financially while the case is pending, the status quo will be maintained.

viii. Father has overwhelming evidence to support all claims herein, already served to Petitioner, and without response, and already on the record. Respondent prays that this Court will consider the totality of the case, and grant this motion to rightfully restore the status quo.

8 PRAYER FOR EXPEDITED RELIEF Respondent requests the following expedited relief: Vacate the current orders, which were entered in violation of the Respondent's right to due process and a fair hearing. These orders were rendered as "agreed" without the Respondent's consent and are unsupported by any motion that was properly served on him. Grant the Respondent's motion for temporary orders without notice or hearing to the Petitioner, restoring the status quo for the children and enabling the Respondent to meet his financial obligations related to the Children and allow healing to begin. Provide a provision allowing the Respondent to return to the residence at 6641 Anne Court, Watauga, TX 76148 where he was wrongfully removed including the option for Petitioner to reside there as well if she so chooses. Strike all pleadings from the Respondent other than the Rule 12 motion to show authority and the summary judgement motion in the interest of judicial economy. Grant any further relief that this Court finds equitable, just, and appropriate so that we may finally get this case headed in the right direction and in alignment with the Children's best interest.

9 Respectfully submitted, Charles Dustin Myers CHARLES DUSTIN MYERS 6641 Anne Court Watauga, TX 76148 Chuckdustin12@gmail.com 817-507-6562 PRO-SE

10 CERTIFICATE OF CONFERENCE Pursuant to Tarrant County Local Rules 4.01(10)(a) & 4.01(10)(b), a conference was not held with Morgan Michelle Myers due to her failure to respond to email correspondence sent on 09/24/2024. However, Respondent certifies that the merits of this First Amended Motion for Temporary Orders was fully communicated to the Petitioner and would be in the best interests of the minor children.

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

CERTIFICATE OF SERVICE Respondent hereby certifies that on 09/27/2024, a true and correct copy of this First Amended Motion for Temporary Orders was served on the

following parties via electronic service through the Electronic Filing Manager (EFM) and via email to the email address on record, pursuant to Texas Rules of Civil Procedure 21(a): Served to: Morgan Michelle Myers, Petitioner via electronic filing system. Cooper Carter via electronic filing system. Email Addresses for Service: coopercarter@majadmin.com morganmw02@gmail.com /s/ Charles Dustin Myers Charles Dustin Myers 6641 Anne Court Watauga, TX 76148 chuckdustin12@gmail.com 817-507-6562 EXHIBIT 6 Affidavit of Steve Myers

## **Answer (Texas)**

### **Short response**

When all state court remedies have been exhausted in a Texas divorce case marked by alleged judicial bias, fraudulent settlement, and deprivation of property rights, the litigant's remaining options are to pursue recusal or disqualification of the judge under Texas law, seek federal intervention if constitutional rights are implicated, and request emergency relief to preserve property interests pending resolution of related federal claims. However, the ability to halt a final trial or prevent permanent loss of property is extremely limited once state remedies are exhausted, and success depends on strict compliance with procedural requirements and the availability of extraordinary relief.

### **Summary**

A litigant who has been removed from his home by court order, subjected to a settlement agreement he did not sign, and denied relief through state appeals faces a narrow set of procedural and substantive options under Texas law. The primary remaining state-level remedy is a motion to recuse or disqualify the presiding judge, which must be supported by specific, admissible evidence of bias or impropriety and filed at the earliest practicable time; this can potentially delay proceedings and, if granted, may result in a new judge reviewing prior rulings. If recusal is denied and all state remedies are exhausted, the litigant may seek federal court intervention—such as through a pending RICO action—if there are substantial constitutional violations, but federal courts are generally reluctant to interfere with ongoing state domestic relations matters unless there is clear evidence of federal rights being violated and no adequate state remedy.

To prevent permanent loss of property interests and stop a final trial, the litigant should ensure that all procedural objections and motions (including for recusal, to docket missing filings, and for emergency relief) are properly preserved in the record, and should consider seeking a stay of state proceedings from the federal court if the federal claims are inextricably linked to the state action. However, the threshold for federal intervention is high, and the state court's refusal to follow procedural rules or docket filings, while potentially supporting a claim of due process violation, does

not automatically entitle the litigant to relief absent a clear showing of irreparable harm and lack of any other remedy.

## **Background and Relevant Law**

### **Texas Law on Recusal and Disqualification**

Under Texas law, a judge may be recused or disqualified from a case on the same grounds and under the same circumstances as specified in the Texas Rules of Civil Procedure Rule 18b. The relevant administrative code provision, [1 Tex. Admin. Code § 155.152](#), requires that a motion to recuse or disqualify be made at the earliest practicable time, be verified if in writing, state with particularity the grounds for the motion, and be based on personal knowledge with facts admissible in evidence, except that facts may be stated on information and belief if the basis is specifically stated. This process is designed to ensure impartiality and protect due process rights in judicial proceedings ([1 Tex. Admin. Code § 155.152](#)).

The Texas Code of Judicial Conduct, as referenced in the context, imposes on judges the duty to perform their adjudicative, administrative, and disciplinary responsibilities impartially and diligently. Canon 3 requires judges to avoid bias, ensure all parties are heard, and take action if they become aware of misconduct by attorneys or other judges. The Texas Rules of Civil Procedure further require that all pleadings, motions, and orders be properly filed and docketed, and that service requirements be strictly followed.

### **Exhaustion of State Remedies and Federal Intervention**

Once all state court remedies have been exhausted—including appeals and motions for recusal or disqualification—the litigant’s options within the state system are effectively foreclosed. At this point, if the litigant believes that his federal constitutional rights (such as due process or equal protection) have been violated, he may seek relief in federal court. This is particularly relevant if there is a pending federal RICO action alleging that the divorce proceedings are the product of racketeering activity.

However, federal courts are generally reluctant to intervene in ongoing state domestic relations cases under the abstention doctrines (such as Younger abstention), except in cases where there is no adequate state remedy and irreparable harm is threatened. The federal court may, in rare circumstances, issue a stay of state proceedings or grant injunctive relief if it finds that the state court’s actions violate federal law and that the litigant has no other means of protecting his rights.

# Analysis

## 1. Motion to Recuse or Disqualify the Judge

The most direct procedural tool available to a litigant who believes the presiding judge is biased or has acted improperly is a motion to recuse or disqualify. Under [1 Tex. Admin. Code § 155.152](#), such a motion must be filed as soon as possible, be verified, and set forth specific facts supporting the claim of bias or impropriety. The motion must be based on personal knowledge and include facts that would be admissible in evidence, or, if based on information and belief, must state the basis for that belief.

In the present context, the litigant has already filed a joint motion to recuse, citing numerous procedural irregularities, failure to docket filings, and evidence of bias. The motion references the Texas Code of Judicial Conduct and the Texas Rules of Civil Procedure, and is supported by affidavits and exhibits. If the motion to recuse is still pending or has not been properly ruled upon, the litigant should ensure that it is brought to the attention of the appropriate reviewing authority (such as the regional presiding judge) and that all supporting evidence is included in the record.

If the motion to recuse is granted, a new judge will be assigned to the case, who may review prior rulings and potentially correct procedural errors. If the motion is denied, the litigant may seek review of the denial through mandamus or interlocutory appeal, but these remedies are limited and subject to strict procedural requirements.

## 2. Preservation of Objections and Procedural Rights

To protect property interests and preserve the right to challenge the validity of the settlement agreement and other orders, the litigant must ensure that all objections to procedural irregularities, lack of notice, and improper docketing are clearly stated in the record. This includes filing formal objections to the handling of filings, requesting that missing documents be docketed, and challenging the validity of any orders entered without proper notice or consent.

The litigant's filings indicate that he has objected to the failure to docket motions and exhibits, the alteration of filings, and the entry of orders without his signature or consent. These objections should be reiterated in any further filings, and the litigant should request that the court take judicial notice of the procedural deficiencies and the lack of consent to the settlement agreement.

## 3. Emergency Relief and Motions to Stay Proceedings

If a final trial is set to proceed despite unresolved issues of judicial bias, fraudulent settlement, and deprivation of property rights, the litigant may file an emergency motion to stay the proceedings pending resolution of the recusal motion or related federal claims. The motion should set forth the specific grounds for the stay, including the risk of irreparable harm (such as

permanent loss of property interests), the pendency of a federal RICO action, and the need to preserve the status quo.

While the granting of a stay is discretionary, the court may be persuaded to halt proceedings if there is a credible showing that the litigant's rights will be irreparably harmed and that the issues raised are substantial and unresolved. The motion should be supported by affidavits and documentary evidence, and should request expedited consideration.

#### **4. Federal Court Intervention**

If all state remedies have been exhausted and the state court refuses to provide relief, the litigant may seek intervention from the federal court, particularly if there is a pending RICO action alleging that the divorce proceedings are the product of racketeering activity. The federal court may, in limited circumstances, issue a stay of the state proceedings or grant injunctive relief if it finds that the state court's actions violate federal law and that the litigant has no other adequate remedy.

However, federal courts are generally reluctant to interfere with ongoing state domestic relations cases, and will do so only if there is clear evidence of federal rights being violated and no adequate state remedy. The litigant must demonstrate that the state court's actions constitute a violation of due process or other constitutional rights, and that the harm cannot be remedied through further state proceedings.

#### **5. Challenging the Validity of the Settlement Agreement**

The litigant has alleged that the settlement agreement is fraudulent, lacks his signature, and was entered under duress. Under Texas law, a settlement agreement that is not signed by all parties or was entered under duress may be subject to challenge. The litigant should continue to assert these defenses in any further proceedings, and should request that the court set aside the agreement and restore the status quo pending a fair hearing.

If the court refuses to consider these defenses or proceeds to enter a final judgment based on the disputed agreement, the litigant may raise these issues on appeal or in a collateral attack, but the likelihood of success diminishes once a final judgment is entered and all appeals are exhausted.

### **Exceptions and Caveats**

The ability to halt a final trial or prevent permanent loss of property interests is extremely limited once all state remedies have been exhausted. Texas law provides for recusal and disqualification of judges, but these remedies must be pursued promptly and supported by specific evidence. If the state court refuses to provide relief and all appeals are denied, the litigant's only remaining option is to seek federal intervention, which is rarely granted in domestic relations cases.

Federal courts will abstain from interfering with state court proceedings unless there is a clear violation of federal rights and no adequate state remedy. The pendency of a federal RICO action does not automatically entitle the litigant to a stay of state proceedings, and the federal court will consider the specific facts and procedural posture of the case before granting any relief.

## **Conclusion**

In summary, a litigant in Texas who has been deprived of property rights and subjected to a fraudulent settlement agreement, and who has exhausted all state court remedies, may seek recusal or disqualification of the judge under [1 Tex. Admin. Code § 155.152](#), preserve all procedural objections in the record, and request emergency relief to stay proceedings. If these remedies are denied, the litigant may seek federal court intervention if there is a substantial federal question and no adequate state remedy, but the threshold for such relief is high. The best chance of preventing permanent loss of property interests and stopping a final trial lies in strict compliance with procedural requirements, timely filing of motions, and clear documentation of all objections and evidence of bias or impropriety.

## **Legal Authorities**

[Sears v. Nueces County Sherriiff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)

### **Texas Court of Appeals**

#### **Extract**

The Texas Supreme Court mandates that when there exists a reasonable question as to a judge's impartiality, recusal is mandatory. In determining whether recusal is required pursuant to Tex.R.Civ.P. 18b(2)(a), the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain would have a reasonable doubt that a judge is actually impartial. *Rodgers v. Bradley*, 909 S.W.2d 872, 874 (Tex. 1995).

#### **Summary**

The passage highlights the importance of judicial impartiality and the conditions under which recusal is mandatory. If a litigant can demonstrate that a judge's impartiality might reasonably be questioned, recusal is required. This could be a strategy for the litigant to pursue if they believe the judge's actions have been biased or unfair, potentially impacting the outcome of their case.

[Rogers v. Bradley, 909 S.W.2d 872 \(Tex. 1995\)](#)

### **Texas Supreme Court**



## **Extract**

The rule's language is clear, simple and unequivocal: Texas Rule of Appellate Procedure 15a provides that an appellate judge 'shall disqualify or recuse himself in any proceeding in which judges must disqualify themselves under Texas Rule of Civil Procedure 18b....' Rule 18b provides in relevant part that a judge 'shall recuse himself in any proceeding in which ... his impartiality might reasonably be questioned.' Tex.R.Civ.P. 18b(2)(a). The language is imperative and mandatory, not permissive or discretionary; the standard is objective, not subjective.

## **Summary**

Texas Rule of Civil Procedure 18b mandates that a judge must recuse themselves if their impartiality might reasonably be questioned. This is an objective standard, meaning it is based on how a reasonable person would view the situation, not on the judge's personal feelings or beliefs.

[1 Tex. Admin. Code § 155.152 1 Tex. Admin. Code § 155.152 Disqualification Or Recusal of Judges](#)

## **Extract**

A judge is subject to recusal or disqualification on the same grounds and under the same circumstances as specified in TRCP Rule 18b. Motion. A motion to recuse or disqualify a judge assigned to a case should: (A) be made at the earliest practicable time; (B) be verified, if the motion is in writing; (C) state with particularity the grounds for the motion; and (D) be based on personal knowledge and include such facts as would be admissible in evidence, except that facts may be stated on information and belief if the basis for such belief is specifically stated.

## **Summary**

The passage provides guidance on how a litigant can file a motion to recuse or disqualify a judge, which could be a strategic move to prevent a biased trial and potentially delay proceedings. This is relevant to the litigant's situation as it offers a procedural step that can be taken even when other state court options are exhausted.

[Tex. Fam. Code § 6.501 Tex. Fam. Code § 6.501 Temporary Restraining Order](#)

## **Extract**

After the filing of a suit for dissolution of a marriage, on the motion of a party or on the court's own motion, the court may grant a temporary

restraining order without notice to the adverse party for the preservation of the property and for the protection of the parties as necessary, including an order prohibiting one or both parties from... intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage.

## **Summary**

A court may issue a temporary restraining order to prevent the destruction or transfer of property during divorce proceedings. This can be a crucial step for a litigant seeking to prevent permanent loss of property interests, especially when other state court options are exhausted. The restraining order can help maintain the status quo and protect the litigant's property rights while pursuing concurrent legal actions, such as a RICO case in federal court.

This memo was compiled by Vincent AI based on vLex materials available as of September 01, 2025. [View full answer on vLex](#)