

NO. 25-\_\_\_\_\_

# IN THE SUPREME COURT OF TEXAS

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IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

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On Petition for Writ of Mandamus

to the 322<sup>nd</sup> Judicial District Court, Tarrant County

Cause No. 322-744263-23

On Mandamus Review from Cause No. 02-25-00166-CV in the Second  
District Court of Appeals, Fort Worth, Texas

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## EMERGENCY MOTION FOR TEMPORARY RELIEF

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Respectfully submitted by:

Charles Dustin Myers  
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Tel.: 817-546-3693  
6641 Anne Court  
Watauga, Texas 76148

Emergency Relief Requested

## **TO THE HONORABLE SUPREME COURT OF TEXAS:**

Relator Charles Dustin Myers, pro se, respectfully moves under Tex. R. App. P. 52.10 for temporary relief pending resolution of his petition for writ of mandamus. Specifically, Relator seeks a stay of the March 26, 2024, temporary orders in Cause No. 322-744263-23, pending this Court's consideration of the mandamus petition. This Motion is based on the following facts and authorities:

### **1. Background and Urgency**

On March 26, 2024, the 322nd District Court of Tarrant County entered temporary orders (in No. 322-744263-23) imposing custody and possession terms over Relator's children and directing Relator's compliance with an associate judge's proposed order. Relator contested these orders and timely requested a de novo hearing under Tex. Fam. Code § 201.015. The orders were not signed by the referring judge and, Relator contends, were entered without his valid consent or hearing, making them void and beyond the court's authority. Meanwhile, the orders have gone into effect: Relator has already been locked out of his home and denied access to his children under the terms of those orders. This situation is urgent and causing irreparable harm. Specifically, loss of access to his residence and the children's caregiving routine cannot be undone later. The children's routines and family stability are disrupted, and Relator's parental rights are being effectively

suspended indefinitely. These harms are irreparable and immediate, as a mere damages remedy on appeal would be inadequate to restore the status quo.

## **2. Irreparable Harm**

Relator's loss of home access and parental contact is irreparable. Once physically removed from his own home and daily parenting roles, the damage cannot be fully remedied by a later appeal. The children are growing up without their father's care, and the family home is effectively beyond Relator's reach. Such injuries — to parental rights and family integrity — constitute irreparable harm in equity. Relator will suffer these harms continuously until the orders are vacated or stayed. By contrast, granting a temporary stay will merely maintain the status quo that existed immediately before March 26, 2024, pending review, and will cause no substantial injury to any party.

## **3. No Opposition Filed**

Relator is not aware of any objection to this motion. The petition for mandamus was filed on May 1, 2025, and to date neither the respondent judge nor the real party in interest has filed any opposition to the request for extraordinary relief. Given this absence of opposition, there is no prejudice in granting the stay, and the benefits afforded to the Relator and the Children would outweigh the detriments caused by these orders remaining in effect.

#### **4. Notice to Parties.**

Relator has given notice of this Emergency Motion to all necessary parties by expedited means, as required by Tex. R. App. P. 52.10(a). On May 1, 2025, Relator sent an email to Judge Kaitcer through his court coordinator, informing the court that this motion was being filed and requesting prompt consideration. Relator also emailed Cooper L. Carter, attorney for Real Party in Interest, at the contact information on file to notify her of the motion. To Relator's knowledge, no party objects to the requested relief, nor has opposed this relief on the record.

#### **5. Requested Relief**

Relator respectfully requests that the Court grant a temporary stay of all provisions of the March 26, 2024 temporary orders in Cause No. 322-744263-23, pending resolution of the mandamus petition. Immediate relief is necessary to prevent ongoing and irreparable injury resulting from the Relator being prevented access to his family home. Relator therefore requests that this Court enter its order as soon as practicable, without waiting for the 10-day waiting period. The Court's prompt action is appropriate under Tex. R. App. P. 52.10(b), which authorizes the Court to "grant any just relief pending the court's action on the petition." Granting the stay will preserve the status quo and protect the children's welfare and Relator's rights during the pendency of this petition.

### **Prayer for Expedited Relief**

Relator Charles Dustin Myers respectfully prays that the Court GRANT this Emergency Motion and immediately STAY the March 26, 2024 temporary orders in No. 322-744263-23 pending the Court's decision on the petition for writ of mandamus, and for such other and further relief as may be appropriate.

/s/ Charles Dustin Myers  
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### **Certificate of Compliance (TRAP 9.4(i)(3))**

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this motion for emergency motion for temporary relief is **701 words**.

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
Relator

### **Certification of Compliance (TRAP 52.10(a))**

Relator certifies that a diligent effort was made to notify all parties of record by expedited means on May 1<sup>st</sup>, 2025.

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
Relator

## **CERTIFICATE OF SERVICE**

Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Emergency Motion for Temporary Relief has been served on all parties of record on May 1<sup>st</sup>, 2025.

### ***Real Party in Interest***

Morgan Michelle Myers  
[morganmw02@gmail.com](mailto:morganmw02@gmail.com)

### ***Respondent***

Hon. Jeff Kaitcer  
Associate Judge  
322<sup>nd</sup> District Court,  
Tarrant County, Texas  
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#### Case Contacts

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