



**322-744263-23**

**COMPREHENSIVE  
LEGAL ANALYSIS IN  
SUPPORT OF  
DISMISSAL**

**04.04.25**

FILED  
TARRANT COUNTY  
4/4/2025 9:12 AM  
THOMAS A. WILDER  
DISTRICT CLERK

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

**RESPONDENT'S COMPREHENSIVE  
LEGAL ANALYSIS IN FAVOR OF  
DISMISSAL**

## EXECUTIVE SUMMARY

**M.1976**

The analysis concludes that:

1. The divorce case should be dismissed for want of prosecution due to Petitioner's failure to advance the case for nearly a year
2. The current orders are void due to lack of consent and improper adoption by the referring court
3. The 322nd District Court never acquired continuing exclusive jurisdiction over the children
4. The new SAPCR was properly filed as an original proceeding and should not be consolidated, especially considering no motion to transfer has been filed.
5. Ms. Carter's pleadings should be stricken due to her failure to respond to a Rule 12 challenge
6. The children's best interests require immediate relief without further procedural delays

### **I. FACTUAL BACKGROUND**

#### **A. Procedural History**

1. December 18, 2023: Divorce case filed in 322nd District Court with 60-day waiver.
2. February 6, 2024: Respondent filed emergency motion challenging basis for agreement.
3. March 14, 2024: Respondent's motion was denied, basis for agreement became temporary orders.
4. April 8, 2024: Respondent sought relief in the Second Court of Appeals via Mandamus.
5. April 10, 2025: Respondent was denied mandamus, he moved for rehearing.

6. April 24, 2024: Cooper L. Carter filed Motion for Pre-Trial Conference.
7. May 13, 2024: Second Court of Appeals denied rehearing, Respondent appealed to the Texas Supreme Court.
8. June 2024: Texas Attorney General attempted to intervene.
9. September 2024: Supreme Court of Texas denied relief.
10. September 17, 2024: Respondent served a request for discovery and admissions on Petitioner .
11. September 20, 2024: Respondent filed Rule 12 motion challenging Carter's authority.
12. October 7, 2024: Respondent moved to recuse judges after the case continued to stall and un-opposed emergency relief remained adjudicated.
13. November 7, 2024: Recusal denied.
14. December 4, 2024: Respondent removed case to Northern District of Texas.
15. December 6, 2024: Case remanded to state court, placing the obligation of Rule 237a of the Texas Rules of Civil Procedure on COOPER L. CARTER, which remains unsatisfied.
16. March 2025: Respondent filed new SAPCR in 233rd District Court seeking emergency relief for the children.
17. March 28, 2025: Respondent appeared for TRO hearing that was not heard due Cooper Carter's improper interference.
18. April 2, 2025: Respondent pre-objected to consolidation.

19. April 4, 2025: Cooper L. Carter attempting to present consolidation motion without any reference to the objection, EX-PARTE, and without conferring with Respondent .

### **B. Harm to Children**

1. Children subjected to psychological manipulation and medical neglect by Petitioner
2. Children left home alone at night without supervision
3. Children removed from Respondent's care and placed with elderly great-grandparents
4. Children being gaslighted by Petitioner into false belief that divorce is finalized
5. Eldest child's academic performance has plummeted
6. Children emotionally estranged from both parents
7. Respondent unlawfully locked out of family home on March 6, 2024
8. Respondent prevented from accessing home and caring for children
9. Respondent's business has been significantly damaged due to Petitioner's deception and the children's financial future has been crippled

### **C. Attorney Misconduct**

1. Cooper L. Carter has failed to prosecute the case since April 24, 2024.
2. No substantive action has been taken for approximately 11 months.
3. Failed to respond to discovery requests, resulting in deemed admissions.
4. Failed to comply with Rule 237a after federal remand.
5. Failed to respond to Rule 12 challenge to authority.

6. Several exhibits have been provided, conclusively establishing the claims herein without response.
7. Has not communicated or responded in any manner throughout the litigation.
8. E-filing account registered under prior employer's email address.
9. Not properly registered for e-filing notifications.
10. Has an individual not named in the suit file pleadings on her behalf.
11. Claims to have been retained in her individual capacity yet there are multiple people claiming to represent Petitioner in this matter.
12. Lacks current working phone number or email on file with State Bar.
13. Reappeared only to block emergency relief in new proceedings in violation of Due Process.
14. Never filed substantive response to any of Respondent's claims and continues to ask favors from the bench.

## **II. LEGAL ANALYSIS**

### **A. Dismissal for Want of Prosecution**

#### *Legal Framework*

1. Texas courts have authority to dismiss cases for want of prosecution under both Texas Rule of Civil Procedure 165a and the court's inherent power to manage its docket. The Texas Supreme Court recognized both bases for dismissal in *Villarreal v. San Antonio Truck & Equipment*, 994 S.W.2d 628 (Tex. 1999).

2. A party seeking affirmative relief has a duty to prosecute the case with due diligence. As stated in *In re Conner*, 458 S.W.3d 532 (Tex. 2015), “[t]he issue here is whether a trial court abuses its discretion by refusing to grant a motion to dismiss for want of prosecution in the face of unmitigated and unexplained delay. We hold that it does.” *Id.*

3. In family law specifically, *In re Marriage of Buster*, 115 S.W.3d 141 (Tex. App.—Texarkana 2003) emphasized the importance of moving family law cases toward resolution and upheld dismissal after extended inactivity.

*Application to Current Case*

4. The facts strongly support dismissal for want of prosecution:

- i. The divorce case has been pending for over 16 months
- ii. Petitioner's attorney has failed to prosecute the case since April 24, 2024
- iii. No substantive action taken for approximately 11 months
- iv. No responses to discovery, no substantive pleadings, no trial settings
- v. The only recent action was filing a Motion to Consolidate to block emergency relief

5. This extended inactivity is precisely the type of conduct that Texas courts have consistently held, which justifies dismissal for want of prosecution. The court should dismiss the dormant divorce case and allow the new SAPCR to proceed independently to address the children's urgent needs.

## B. Void Orders Due to Lack of Consent

### *Legal Framework*

6. The Texas Supreme Court established in *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951) that: "A valid consent judgment cannot be rendered by a court when consent of one of the parties is wanting. It is not sufficient to support the judgment that a party's consent thereto may at one time have been given; consent must exist at the very moment the court undertakes to make the agreement the judgment of the court."

7. The Court further held: "When a trial court has knowledge that one of the parties to a suit does not consent to a judgment, it is error to render a judgment purportedly by agreement; such a judgment is a nullity."

8. This principle was reaffirmed in *Padilla v. LaFrance*, 907 S.W.2d 454 (Tex. 1995), which confirmed that a trial court cannot render an agreed judgment after a party has withdrawn consent to a settlement.

### *Application to Current Case*

9. The orders in this case are void under *Burnaman* and its progeny because:

- i. The orders claim consent of all parties but only bear signatures of the Petitioner and counsel
- ii. Respondent contends he never gave consent to the orders
- iii. Respondent actively opposed the terms that locked him out of his home and separated him from the children



- iv. The court was aware of the dispute regarding consent (Respondent filed an emergency motion challenging the basis for agreement)

10. Under Texas law, if Respondent did not consent to the orders at the time they were rendered, they are void ab initio. The court should declare these orders void and vacate them.

### **C. Associate Judge's Orders Never Properly Adopted**

#### *Legal Framework*

11. Texas Family Code § 201.013(b) explicitly states: "Except as provided by Section 201.007 (Powers of Associate Judge), if a request for a de novo hearing before the referring court is not timely filed, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court **only on the referring court's signing the proposed order or judgment.**"

12. This requirement is mandatory, not discretionary. Without the District Judge's signature, the Associate Judge's order remains merely a "proposed" order.

#### *Application to Current Case*

13. The orders in this case were issued by an Associate Judge but allegedly never properly adopted or signed by the referring District Court. Under Texas Family Code § 201.013(b), these orders never achieved the status of a final judgment of the court and have no legal effect as final orders.

14. This defect alone would be sufficient to challenge their validity, even without the consent issues. The court should declare these orders void or vacate them due to the lack of proper adoption by the referring court.

## D. No Continuing Exclusive Jurisdiction (CEJ)

### *Legal Framework*

15. Texas Family Code § 155.001(a) provides: "A court acquires continuing, exclusive jurisdiction over the matters provided for by this title in connection with a child on the rendition of a final order."

16. Critically, § 155.001(d) states: "Unless a final order has been rendered by a court of continuing, exclusive jurisdiction, a subsequent suit shall be commenced as an original proceeding."

17. In *In re Burk*, 252 S.W.3d 736 (Tex. App.—Houston [14th Dist.] 2008), the court held that CEJ is established only upon rendition of a final order, and temporary orders do not establish CEJ.

### *Application to Current Case*

18. No final order was ever rendered in the divorce case because:

- i. The Associate Judge's orders were never properly signed by the referring District Court Judge (per § 201.013(b))
- ii. The orders were void due to lack of consent (per *Burnaman v. Heaton*)

19. Without a final order, the 322nd District Court never acquired CEJ over the children. Therefore, under § 155.001(d), the Respondent's new SAPCR was properly "commenced as an original proceeding" in the 233rd District Court.

20. The motion to consolidate should be denied because the 322nd District Court does not have dominant jurisdiction over the children.

## **E. Exceptions to Dominant Jurisdiction**

### *Legal Framework*

21. Generally, when two suits involving the same subject matter are pending in different courts of equal jurisdiction, the court in which the suit was first filed has dominant jurisdiction. However, the Texas Supreme Court in *Wyatt v. Shaw Plumbing Co.*, 760 S.W.2d 245, 247 (Tex. 1988) recognized three exceptions to this rule:

- i. Conduct by a party that estops them from asserting prior active jurisdiction
- ii. Lack of persons to be joined if feasible
- iii. Lack of intent to prosecute the first lawsuit

### *Application to Current Case*

22. Even if the 322nd District Court had dominant jurisdiction (which it does not due to lack of CEJ), at least two exceptions to the first-filed rule apply:

#### **Estoppel by Conduct:**

- i. Petitioner allowed the case to become completely dormant
- ii. Failed to comply with Rule 237a's notice requirements after federal remand
- iii. Effectively concealed the revival of the state case
- iv. Represented through inaction that she had abandoned the case

#### **Lack of Intent to Prosecute:**

- i. For nearly a year, Petitioner took no action to advance the divorce

- ii. No discovery, no responses, no settings
- iii. Only "revived" the divorce case as a strategic ploy to derail Respondent's emergency action

23. The 233rd District Court is the appropriate forum to hear the current disputes because that case was initiated specifically to address the children's urgent needs, free from the entanglements of the stalled divorce.

#### **F. Attorney Misconduct - Rule 12 Challenge**

##### *Legal Framework*

24. Texas Rule of Civil Procedure 12 provides that a party may file a sworn motion stating that they believe a suit is being prosecuted or defended without authority. The challenged attorney bears the burden of proving authority to act. If the attorney fails to show authority, the court "shall refuse to permit the attorney to appear in the cause and shall strike the pleadings if no person who is authorized to prosecute or defend appears."

25. These consequences are mandatory, not discretionary. The court has no choice but to bar the attorney and strike the pleadings upon failure to show authority.

##### *Application to Current Case*

26. Respondent filed a verified Rule 12 motion on September 20, 2024, challenging Cooper L. Carter's authority. Ms. Carter has not responded to this challenge for over 6 months. Additional facts supporting the Rule 12 challenge include:

- i. Ms. Carter's e-filing account is registered under her prior employer's email address

- ii. Ms. Carter has not meaningfully corresponded with Respondent during the litigation
- iii. Ms. Carter is unreachable by phone or email
- iv. Ms. Carter lacks a current working phone number or email on file with the State Bar
- v. Ms. Carter has not produced any client authority or engagement agreement in 14 months

27. Under Rule 12, Ms. Carter's failure to respond to the challenge requires the court to refuse to permit her to appear in the case and strike all pleadings filed by her, including the Motion to Consolidate.

#### **G. Additional Attorney Misconduct**

##### *Discovery Violations*

28. Ms. Carter failed to respond to Requests for Admissions served on September 17, 2024, resulting in deemed admissions under Texas Rule of Civil Procedure 198. She made no effort to withdraw or amend these deemed admissions, effectively conceding critical facts against her client.

29. This constitutes a violation of her duties under Rules 193.2 and 193.5 to timely respond or amend discovery responses.

*Rule 237a Violations*

30. After federal remand on December 6, 2024, Ms. Carter failed to:

- i. File the required certified copy of the remand order with the clerk
- ii. Provide Respondent with mandatory written notice of the remand

31. This procedural violation prevents the case from moving forward properly and further demonstrates Ms. Carter's neglect of basic procedural duties.

*Abuse of Process*

31. Ms. Carter's sudden reappearance after nearly a year of inactivity solely to block emergency relief suggests improper purpose. Filing a Motion to Consolidate without addressing substantive issues appears designed to delay resolution rather than advance the case.

This conduct violates:

- i. Rule 13 of Texas Rules of Civil Procedure (forbidding groundless filings brought in bad faith)
- ii. Texas Disciplinary Rule 3.02 (prohibiting positions that unreasonably delay resolution)

**H. Children's Best Interests***Legal Framework*

32. Texas Family Code § 153.002 establishes: "The best interest of the child shall be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child."

This paramount standard must guide all decisions in cases involving children.

*Application to Current Case*

33. The children in this case are suffering ongoing harm:

- i. Subjected to psychological manipulation and medical neglect
- ii. Left home alone at night without supervision
- iii. Removed from Respondent's care and placed with elderly great-grandparents
- iv. Eldest child's academic performance has plummeted
- v. Emotionally estranged from both parents

34. Every day that passes without corrective action leaves the children in an unstable, harmful environment. Consolidation would reward procedural stonewalling and cause further delay. The children's best interests require prompt resolution, which can only be achieved by denying consolidation, dismissing the dormant divorce case, and allowing the new SAPCR to proceed expeditiously.

**III. CONCLUSION AND RELIEF REQUESTED**

Based on the comprehensive legal analysis above, there are multiple independent grounds supporting the Respondent's entitlement to relief:

1. The divorce case should be dismissed for want of prosecution under Rule 165a and the court's inherent power.
2. The current orders are void due to lack of consent under *Burnaman v. Heaton*.

3. The Associate Judge's orders were never properly adopted under Texas Family Code § 201.013(b).
4. The 322nd District Court never acquired CEJ under Texas Family Code § 155.001.
5. Exceptions to dominant jurisdiction apply under *Wyatt v. Shaw Plumbing Co.*
6. Ms. Carter's pleadings should be stricken due to her failure to respond to a Rule 12 challenge.
7. Ms. Carter has engaged in multiple instances of misconduct warranting sanctions and referral to the State Bar.
8. The children's best interests require immediate relief without further procedural delays

Therefore, the Respondent is entitled to the following relief:

- i. Denial of Petitioner's Motion to Consolidate.
- ii. Declaration that the current orders are void and of no legal effect.
- iii. Dismissal of the divorce action (Cause No. 322-744263-23) for want of prosecution.
- iv. Striking of all pleadings filed by Cooper L. Carter due to her failure to show authority.
- v. Permission for the new SAPCR to proceed in the 233rd District Court to address the children's urgent needs.

These remedies are supported by well-established Texas law and are necessary to protect the children's best interests, ensure procedural fairness, and maintain the integrity of the legal process. Without any opposition, the court has every ability to act.



#### **IV. SUPPORTING CASE LAW AND STATUTES**

##### *A. Dismissal for Want of Prosecution*

- *Villarreal v. San Antonio Truck & Equipment*, 994 S.W.2d 628 (Tex. 1999)
- *In re Conner*, 458 S.W.3d 532 (Tex. 2015)
- *In re Marriage of Buster*, 115 S.W.3d 141 (Tex. App.—Texarkana 2003)
- *Fox v. Wardy*, 234 S.W.3d 30 (Tex. App.—El Paso 2007)
- *Dueitt v. Artripe*, 217 S.W.3d 911 (Tex. App.—Dallas 2007)
- Texas Rule of Civil Procedure 165a

##### *B. Void Orders Due to Lack of Consent*

- *Burnaman v. Heaton*, 240 S.W.2d 288 (Tex. 1951)
- *Padilla v. LaFrance*, 907 S.W.2d 454 (Tex. 1995)
- *In the Interest of J.G., a Child* (Texas Fourth Court of Appeals, 2018)
- *St. Raphael Medical Clinic, Inc. v. Mint Medical Physician Staffing, LP* (2007)

##### *C. Associate Judge's Orders*

- Texas Family Code § 201.013
- *In re B.B.S.* (Texas Court of Appeals)

##### *D. Continuing Exclusive Jurisdiction*

- Texas Family Code § 155.001

- *In re Burk*, 252 S.W.3d 736 (Tex. App.—Houston [14th Dist.] 2008)
- *In re G.R.M.*, 45 S.W.3d 764 (Tex. App.—Fort Worth 2001)
- *In re C.G.*, 495 S.W.3d 40 (Tex. App.—Corpus Christi 2016)

*E. Exceptions to Dominant Jurisdiction*

- *Wyatt v. Shaw Plumbing Co.*, 760 S.W.2d 245 (Tex. 1988)
- *V.D. Anderson Co. v. Young*, 101 S.W.2d 798 (Tex. 1937)
- *Curtis v. Gibbs*, 511 S.W.2d 263 (Tex. 1974)

*F. Attorney Misconduct*

- Texas Rule of Civil Procedure 12
- Texas Rule of Civil Procedure 198 (Deemed Admissions)
- Texas Rule of Civil Procedure 237a (Remand Procedure)
- Texas Rule of Civil Procedure 13 (Groundless Pleadings)
- Texas Disciplinary Rule 3.02 (Delay of Litigation)
- *TransAmerica Corp. v. Braes Woods Condo Ass'n*

*G. Children's Best Interests*

- Texas Family Code § 153.002

Respectfully submitted,

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
817-546-3693  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
PRO-SE

**CERTIFICATE OF SERVICE**

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, this request has been served on all parties of record on 04/03/2025 through their electronic filing manager registered email address.

This request has also been served on COOPER L. CARTER via her email

[COOPERCARTER@MAJADMIN.COM](mailto:COOPERCARTER@MAJADMIN.COM) which is not registered with the EFM.

Respectfully submitted,

*/s/ Charles Dustin Myers*  
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PRO-SE

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Case Contacts

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CHARLES MYERS		chuckdustin12@gmail.com	4/4/2025 9:12:06 AM	SENT
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MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/4/2025 9:12:06 AM	SENT



**233-765358-25**

**PETITIONER'S NOTICE**

**04.02.25**

233-765358-25

FILED  
TARRANT COUNTY  
4/2/2025 9:13 AM  
THOMAS A. WILDER  
DISTRICT CLERK

NO. 233-765358-25

IN THE 233<sup>RD</sup> DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.****\*\*CHARLES DUSTIN MYERS, \*\***

Petitioner,

**MORGAN MICHELLE MYERS,**

Respondent.

PETITIONER'S NOTICE

2025-04-02

**TO THE HONORABLE COURT:**

Petitioner, CHARLES DUSTIN MYERS, submits this notice to provide a different perspective into the current situation:

**I. BEFORE AND AFTER**

1. **This side-by-side comparison illustrates the stark differences in the children's quality of life, parental involvement, and household stability *before* and *after* the removal of the Father from the family home.** It presents a clear, fact-based evaluation of how the familial environment, care structure, and overall wellbeing of the children have been significantly impacted. Each point demonstrates a substantial decline in stability, support, and morality—raising urgent concerns about the children's best interests, safety, and development under the current arrangement.

**BEFORE****AFTER*****FATHER + MOTHER***

• Father works from home / \$134k per year	• Father removed from home \$12k/ per year
• Mother works part time	• Mother works full time
• Father and Mother share in parenting	• Great grandparents / aunt care for children
• Father and Mother communicate	• Mother refuses to communicate w/ Father
• Father takes girls to dance class	• Mother takes girls out of dance class
• Father helps children with schoolwork	• Neither parent helps with schoolwork
• Father and Mother create a stable home	• Father is removed; Mother is never home

***CHILDREN***

• Have always at least one parent home	• Neither parent is home most of the time
• Medically cared for	• Medically neglected
• Frequent access to both parents	• Frequent access to neither parent
• Enjoy extracurriculars	• Taken out of extracurriculars
• Enjoy a stable household	• Introduced to chaotic routine
• Enjoy bedtime stories before bed (dad)	• No bedtime stories
• Are walked to school and back (dad)	• Picked up and dropped off by relatives.
• Exceptional in school	• Academic regression (eldest)
• Enjoy daily playtime (dad)	• They are stuck indoors and on screens.
• Enjoy frequent visits with their grandparents	• Grandparents become primary caretaker
• Receive help with schoolwork (dad)	• Attend school longer (tutoring)
• Strong parental guidance	• No parental guidance
• Secure financial future	• Destabilized financial future
• Moral upbringing and family values	• Immoral and damaging conduct (mom)

2. Now, a comparison between the claims initially raised by the parties:

**II. INITIAL CLAIMS****MOTHER****FATHER**

• FAMILY VIOLENCE ALLEGATIONS	• FALSE CLAIMS OF VIOLENCE
• FINANCIALLY INDIGENT	• MOTHER CONVERTED \$1,576 OF MARITAL ASSETS

• CLAIMS TO HAVE ACTIVE PROTECTIVE ORDER	• CLAIMS NO SUCH PROTECTIVE ORDER EXISTS
• CLAIMS CASE IS UNCONTESTED	• CLAIMS MOTHER IS LYING
• CLAIMS IRRECONCILABLE DIFFERENCES	• CLAIMS MOTHER WAS HAVING AN EXTRAMARITAL AFFAIR
• CLAIMS FATHER DOESN'T NEED HOME TO WORK	• CLAIMS THE HOME IS ESSENTIAL FOR WORK AND CHILDREN
• CLAIMS FEAR OF SAFETY FROM FATHER	• CLAIMS MOTHER FEARS ACCOUNTABILITY
• CLAIMS RESPONSIBILITY FOR MONTHLY FINANCES	• CLAIMS RESPONSIBILITY FOR MONTHLY FINANCES
• CLAIMS FATHER AGREES TO SETTLEMENT	• CLAIMS DURESS AND OPPOSES ANY SETTLEMENT OFFER

### **III. EVIDENCE EXCHANGED**

3. Now, a comparison of the evidence provided to each party to support the initial claims made in the form of exhibits that can be found within the clerk's record, and that the opposing party has had in their possession for multiple months without raising any arguments or opposition:

#### **MOTHER**

#### **FATHER**

	• TXDPS Criminal Record showing no history of family violence.
	• Bank statements and texts showing conversion.
	• Shows contradicting statements on Mother's pleadings
	• Shows pictures of mother cohabiting with father while simultaneously seeking frivolous protective orders
	• Shows extensive financial damage from being barred from the family residence
	• Shows over 16,500 text messages exchanged between two individuals outside of the marriage in a one-year timespan.
	• Show's Mother's Facebook status boasting her one-year anniversary with her new boyfriend while the divorce is ongoing.



	<ul style="list-style-type: none"> <li>Shows communications with AIR BNB hosts showcasing the difficulty in working to full capacity outside of the home.</li> </ul>
	<ul style="list-style-type: none"> <li>Shows photos and videos of the children with father throughout the holidays while mother is planning father's removal.</li> </ul>
	<ul style="list-style-type: none"> <li>Shows untreated cavities in the youngest child's mouth from medical neglect.</li> </ul>
	<ul style="list-style-type: none"> <li>Shows declining academic performance from oldest child.</li> </ul>
	<ul style="list-style-type: none"> <li>Shows communications between himself and mother's grandparents showcasing an ability to put the children before the litigation.</li> </ul>
	<ul style="list-style-type: none"> <li>Provided a comprehensive parenting plan supporting the children's best interest.</li> </ul>
	<ul style="list-style-type: none"> <li>Provided video evidence of the children being left alone during the evening.</li> </ul>
	<ul style="list-style-type: none"> <li>Provided financial receipts for rent payments, utilities, and other financial obligations as primary breadwinner.</li> </ul>
	<ul style="list-style-type: none"> <li>Provided evidence that Mother is actively disposing of his personal belongings.</li> </ul>
	<ul style="list-style-type: none"> <li>Provided evidence mother fabricated her claims of family violence and indigent financial status.</li> </ul>
	<ul style="list-style-type: none"> <li>Provided evidence mother received help in preparing her initial pleadings filed with the court</li> </ul>
	<ul style="list-style-type: none"> <li>Provided evidence mother is preparing her second wedding prior to finalizing the divorce</li> </ul>

#### IV. MOTIVES

4. Based on the record, it conclusively establishes the motives of each parent regarding the relief sought:

#### **MOTHER**

#### **FATHER**

<ul style="list-style-type: none"> <li>Pursing extramarital affair</li> </ul>	<ul style="list-style-type: none"> <li>Restore status quo of children / financial stability</li> </ul>
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**V. ACTIONS**

5. The motives can be established from the following actions derived from the clerk's record within the pleadings:

**MOTHER****FATHER**

<ul style="list-style-type: none"> <li>Fabricated a narrative of family violence.</li> </ul>	<ul style="list-style-type: none"> <li>Spent time with the children over the holidays.</li> </ul>
<ul style="list-style-type: none"> <li>Hired an attorney to defend herself, not represent the children's best interests.</li> </ul>	<ul style="list-style-type: none"> <li>Hired an attorney to defend his children's best interests and terminated him when he failed.</li> </ul>
<ul style="list-style-type: none"> <li>Only communicates with her extramarital partner.</li> </ul>	<ul style="list-style-type: none"> <li>Can only communicate with the children via an online videogame chatroom.</li> </ul>
<ul style="list-style-type: none"> <li>Convinces the children the divorce is final so her new relationship appears morally justifiable.</li> </ul>	<ul style="list-style-type: none"> <li>Has relentlessly sought relief to restore the children's status quo.</li> </ul>
<ul style="list-style-type: none"> <li>Has offered nothing of substance regarding the children.</li> </ul>	<ul style="list-style-type: none"> <li>Has provided everything to the court regarding the children.</li> </ul>
<ul style="list-style-type: none"> <li>Asked for sole use of the residency to pursue her new relationship.</li> </ul>	<ul style="list-style-type: none"> <li>Asked for time to ensure the children are not affected by unnecessary, abrupt changes.</li> </ul>
<ul style="list-style-type: none"> <li>Lied to the court to remove Father to pursue her new relationship.</li> </ul>	<ul style="list-style-type: none"> <li>Forced to live in alternative housing during the pendency of the case, business income destroyed.</li> </ul>

<ul style="list-style-type: none"> <li>Lied to the court and falsified her indigency, then sticks Father with the car payments she claimed to pay for.</li> </ul>	<ul style="list-style-type: none"> <li>Financial strain leads to one of the vehicles being repossessed, credit score plummets.</li> </ul>
<ul style="list-style-type: none"> <li>Sat dormant for months only to block emergency relief in a separate SAPCR suit.</li> </ul>	<ul style="list-style-type: none"> <li>Opened a separate SAPCR suit to escape the procedurally defunct divorce to obtain relief for the children.</li> </ul>

6. All the above can be established through the numerous exhibits that have been provided to the opposing side. After nearly twelve months of silence, there has been no objection, argument, opposition, or response offered for the exhibits given. More critically, there has been no response, opposition, or argument offered regarding the relief being sought from the Petitioner, which is simply to return to the residence that he was unlawfully removed from so that he can begin rebuilding the status quo of the children. Finally, we compare the benefits versus the detriments if granting relief to Petitioner:

#### **VI. BENEFITS VERSUS DETRIMENTS OF GRANTING RELIEF**

##### **BENEFITS**

##### **DETRIMENTS**

<ul style="list-style-type: none"> <li>Children will have a parent active in their daily life as opposed to none.</li> </ul>	<ul style="list-style-type: none"> <li>The respondent will have to choose between her extramarital relationship or working towards the divorce.</li> </ul>
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<ul style="list-style-type: none"> <li>Children will have help with homework from home and help preparing for STAR Testing.</li> </ul>	<ul style="list-style-type: none"> <li>The respondent will have to choose between co-habitation or reside in an alternate residence near-by.</li> </ul>
<ul style="list-style-type: none"> <li>Children will have frequent and continuous access to both parents.</li> </ul>	
<ul style="list-style-type: none"> <li>Financial damages can be repaired.</li> </ul>	

## **VII. CONCLUSION**

This situation is destructive, and truly a one-sided case. Respondent's prolonged silence, in fact, says everything. Without any arguments or opposition on record, it begs the question as to how this situation has been permitted to persist as long as it has. The only drawbacks of granting relief fall on the Respondent – and are minor inconveniences at best that can never outweigh the benefits that the children would reap if relief were to be granted. All the Petitioner asked for in the beginning was time. Now, time has been wasted, and we remain in the same spot. The point is – the Mother cannot just fabricate family violence to have Father removed from the home – especially when she knew and benefitted from his at-home business operations which have since been significantly damaged. Despite all the harm done, the Petitioner is confident that it can be repaired, the family can get back on track, and this process can be finalized without sacrificing the stability and well-being of the children that they have been accustomed to throughout their lives.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
817-546-3693  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)

**CERTIFICATE OF SERVICE**

Petitioner certifies that pursuant to Rule 21a of the Texas Rules of Civil Procedure, this Notice of Comparison was served on all parties of record through their electronical filing manager email, including:

MORGAN MICHELLE MYERS (Respondent)  
[MORGANMW02@GMAIL.COM](mailto:MORGANMW02@GMAIL.COM)

This notice was also served on the following parties:  
[COOPERCARTER@MAJADMIN.COM](mailto:COOPERCARTER@MAJADMIN.COM)

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
817-546-3693  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)

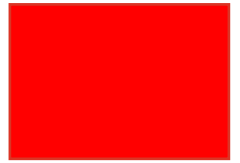
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/2/2025 9:13:17 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	4/2/2025 9:13:17 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	4/2/2025 9:13:17 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/2/2025 9:13:17 AM	SENT



**322744263-23**

**RESPONDENT'S  
NOTICE OF INTENT  
TO FILE  
PROHIBITION**

**04.07.25**

322-744263-23

FILED  
TARRANT COUNTY  
4/7/2025 1:57 PM  
THOMAS A. WILDER  
DISTRICT CLERK

NO. 322-744263-23

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY, TEXAS**ITMOMO***(AITIO M.E.M., C.R.M., two children)***MORGAN MICHELLE MYERS**

Petitioner,

**CHARLES DUSTIN MYERS,**

Respondent.

RESPONDENT'S NOTICE OF INTENT TO  
SEEK AN EXTRAORDINARY WRIT OF  
PROHIBITION

2025-04-07

**TO THE HONORABLE JAMES MUNFORD:**

Respondent, CHARLES DUSTIN MYERS, submits his NOTICE OF INTENT TO  
SEEK AN EXTRAORDINARY WRIT OF PROHIBITION, and in support thereof, shows the  
following:

**I. INTRODUCTION**

After over a year of one-sided litigation, this court has permitted a purported settlement agreement to destroy the lives of two children, their father's livelihood, and have rewarded both the Petitioner and her attorney by refusing to prosecute the case. There is no excuse for allowing the Petitioner to blatantly deceive this court into acquiring agreed temporary orders without the consent of all parties through her attorney of record only to then fail to prosecute the case. This situation has resulted in unenforceable orders that remain facially void and now this court, after



months of inaction, is seeking to set an improperly filed consolidation motion used as a tactic to stall emergency relief.

Notably, the participation from Petitioner resurfaces again only in the face of an emergency TRO. It doesn't come with good faith or arguments; it only comes with a false sense of urgency by the opposing counsel in this matter. This court has sat on its' hands for months, and then despite the failure to prosecute from the other side, it chooses to act on *the wrong motion*. Such a display is legally improper, unjustified, and showcases the complete disregard for what would otherwise be a prima facie case warranting dismissal for want of prosecution.

Now, rather than acting *sua sponte* to set the DWOP for hearing, the court instead chooses to entertain a prematurely filed consolidation motion *which it has no jurisdiction to rule on*. As the Texas Supreme Court has held previously: “[a] plaintiff has a duty to “prosecut[e] the suit to a conclusion with reasonable diligence,” failing which a trial court may dismiss for want of prosecution.” *In re Conner*, 458 S.W.3d 532 (Tex. 2015) (citing *Callahan v. Staples*, 139 Tex. 8, 161 S.W.2d 489, 491 (1942)). The court has wide discretion to manage its' docket, so it begs the question as to why the court wants to act on its own accord on a motion to consolidate before the case is properly transferred.

Although the writ of prohibition is intended to prevent this Court from setting a matter for hearing that is procedurally improper, the issue in this case mirrors that addressed by the Texas Supreme Court in *In re Conner*, 458 S.W.3d 532 (Tex. 2015). There, the Court considered whether a trial court abuses its discretion by refusing to grant a motion to dismiss for want of prosecution in the face of unmitigated and unexplained delay—and held that it does. That is precisely the circumstance presented here, and this intended writ of prohibition is to prevent this court from causing even further delays by setting a matter for a hearing which it has no

jurisdiction to rule on, and give the court the ability to *dismiss this case for want of prosecution* given that it has the discretion to do so, and no opposition to it from the opposing party.

## **II. LEGAL FRAMEWORK**

### **A. Writ of Prohibition**

A writ of prohibition is an extraordinary legal remedy that serves specific, limited purposes in the Texas legal system. It is a judicial order issued by a higher court to prevent a lower court from exceeding its jurisdiction or interfering with the higher court's determination of a case.

Key characteristics of a writ of prohibition include:

1. **Limited Purpose Remedy:** A writ of prohibition is used to protect the subject matter of an appeal or to prohibit unlawful interference with enforcement of a superior court's judgment (*Sivley v. Sivley*, 972 S.W.2d 850, 863, Tex. App.—Tyler 1998).
2. **Preventive Nature:** The writ is designed to prevent future actions, not to remedy acts already completed. It can only be used to prevent what is about to be or could be done, not as a remedy for acts that are already completed (*United States v. Hoffman*, 71 U.S. 158, 1866). Here, Respondent seeks to use this writ as a means to prevent the court from causing further delays by setting opposing counsel's improper motion to consolidate.
3. **Extraordinary Remedy:** Courts have characterized a writ of prohibition as a "drastic remedy" and the legal equivalent of an equitable injunction (*In re Lewis*, 223 S.W.3d 756, 761, Tex. App.—Texarkana 2007). This is a drastic circumstance. The Respondent has

been barred from his own residence for over a year without any explanation, and without any case prosecution in a one-sided effort to obtain relief from facially void orders.

4. **Last Resort:** Prohibition is not appropriate if any other remedy, such as appeal, is available and adequate (*In re Castle Tex. Prod. Ltd. P'ship*, 189 S.W.3d 400, 404, Tex. App.—Tyler 2006). Here, Respondent has no adequate remedy by appeal, because there is currently no court with continuous, exclusive jurisdiction over the children in this matter.

### **III. STATEMENT OF FACTS**

5. On January 24, 2025, after more than 11 months of inaction, Petitioner filed a Motion to Dismiss for Want of Prosecution in this court. The divorce case has had no substantive action from Petitioner since April 2024, a legal ghost ship drifting without direction or purpose. That motion wasn't attempted to be set for hearing until **September of 2024**, only after the Respondent exhausted all efforts seeking relief throughout the Texas Judiciary without any participation from the opposing side.

6. On March 19, 2025, driven by mounting concerns about the children's welfare and learning that the 322<sup>nd</sup> District Court did not have continuous, exclusive jurisdiction over the children in this matter, Petitioner filed a new SAPCR in the 233<sup>rd</sup> District Court (Cause No. 233-765358-25) seeking emergency relief for the children. The very next day, March 20, 2025, Ms. Carter suddenly reappeared like a character presumed missing in the second act, filing an answer to the SAPCR petition in this Court and thereby submitting to this Court's jurisdiction by filing a response rather than a motion to abate.

7. On March 21, 2025, Respondent filed a verified Rule 12 motion challenging Ms. Carter's authority in the 233rd to represent Petitioner in the matter—the second such challenge, met with the same resounding silence as the first.

8. On March 25, 2025, Respondent filed an Objection to Consolidation and an Ex-Parte Emergency Motion for TRO in the 233rd. Two days later, on March 27, 2025, Respondent contacted the court coordinator, requested a date and time to present the motion, and served the documents to the opposing party with the intent to present on March 28, 2025, at 9:00 A.M. before the Associate Judge of this Court. On that fateful morning of March 28, 2025, Respondent drove to the courthouse, paid for parking, met with the coordinator, communicated with opposing counsel, and secured a hearing date of April 10, 2025 agreed by the parties. Respondent then proceeded to the Associate Judge's courtroom to present the TRO.

9. Before Respondent could present his case—before he could speak a single word about his children's welfare—he was told that Ms. Carter would be filing a motion to consolidate in the 322nd District Court, that his motion was improperly before the 233<sup>rd</sup> court, and the Associate Judge refused to hear the motion. It was a curious thing, this refusal. Ms. Carter wasn't even present in the courtroom, yet her words carried more weight than Respondent's physical presence, his properly filed papers, and most importantly, the urgent needs of his children. She stopped the proceedings with nothing more than word of mouth for the incorrect motion. A true showcasing of disregard for the process, and the children.

10. On April 2, 2025, Respondent filed a Pre-Objection to Motion to Consolidate in the 322<sup>nd</sup> District Court. Ms. Carter's motion to consolidate wasn't filed with the 322<sup>nd</sup> District Court until April 3, 2025, six days after she used its mere possibility to prevent the 233rd Court

from hearing Respondent's emergency motion. Her motion disregarded Respondent's pre-objection entirely, as if it were invisible ink on the page.

11. On April 4, 2025, unable to acquire a ruling due to Respondent's objection, Ms. Carter attempted to set the motion for a hearing before the 322nd District Court. That same day, Respondent filed a Pre-Objection to Motion to Transfer in the 233rd Court, given that a motion to transfer must come before any attempt at consolidation. Ms. Carter, who had been so urgently concerned about consolidation when it served to block Respondent's emergency hearing, suddenly claimed to be unavailable until late April—causing significant delays that could have been avoided had the 233rd Court simply heard the motion before it on March 28, 2025.

12. Throughout this period of procedural maneuvering, the children have been subjected to psychological manipulation and medical neglect. They have been removed from Petitioner's care and placed with elderly great-grandparents on a daily basis, and are being gaslighted into a false belief that the divorce is finalized. Respondent's eldest child's academic performance has plummeted, and both children have become emotionally estranged from both parents.

Respondent has suffered approximately \$110,500 in verifiable financial damages due to being locked out of his home and business, and it grows each day. But the financial toll pales in comparison to the emotional cost of watching Respondent's children suffer while the courts exchange procedurally incorrect volleys over his head.

#### **IV. THE PROHIBITION PREDICAMENT**

13. The writ of prohibition exists for precisely this sort of situation—where a court is about to act in a way that exceeds its authority and threatens to compound an already untenable situation. The law on this matter is as clear as a bell on a still morning:

### A. The Procedural Parade Must Follow Its Proper Order

14. The Texas Family Code establishes a clear sequence for the consolidation of cases from different courts. First, a motion to transfer must be filed and granted, bringing both cases into the same court. Only then may a motion to consolidate be considered. See Tex. Fam. Code §§ 155.201 and 6.407.

15. This isn't merely a matter of dotting i's and crossing t's—it's the fundamental roadmap that ensures cases proceed in an orderly fashion. A court cannot consolidate what it does not possess, any more than a chef can cook ingredients that haven't yet been delivered to the kitchen.

16. The Texas Supreme Court has consistently held that courts must follow proper procedural sequence. *In re Southwestern Bell Tel. Co.*, 35 S.W.3d 602, 605 (Tex. 2000). When a court attempts to rule on a matter for which it lacks jurisdiction or authority, prohibition is the appropriate remedy. *In re Lewis*, 223 S.W.3d 756, 761 (Tex. App.—Texarkana 2007, orig. proceeding).

17. Respondent is no legal scholar with a library of case law memorized, but even he can see that this principle is as plain as a full moon on a cloudless night. This Court's potential willingness to hear a motion to consolidate before a motion to transfer has been filed and granted would be like a judge sentencing a defendant before the trial has begun—a clear inversion of the proper order of legal proceedings.

### B. The Discretion Dilemma

18. The writ of prohibition as used in Texas has three functions: 1) preventing interference with higher courts in deciding a pending appeal, 2) preventing inferior courts from entertaining suits that will relitigate controversies which have already been settled by issuing

courts, and 3) prohibiting a trial court's action when it affirmatively appears that the court lacks jurisdiction. *Texas Capital Bank-Westwood v. Johnson*, 864 S.W.2d 186, 187 (Tex.App.-Texarkana 1993, orig. proceeding). Here, function three is directly relevant. A court cannot hear a motion to consolidate a case it does not have before it.

### **C. Opposing Counsel's Conduct**

19. Ms. Carter's behavior throughout this saga deserves special attention, like a character in a novel whose actions consistently contradict their stated intentions.

20. She abandoned the divorce case for nearly a year, filing nothing since April 2024, only to suddenly reappear when Respondent sought emergency relief for the children—like a firefighter who ignores a smoldering house for months, only to rush in when someone else calls for help.

21. She filed an answer in the 233rd Court, thereby submitting to its jurisdiction, only to then argue that the case belongs in this Court—a contradiction as glaring as claiming to be both inside and outside a room simultaneously.

22. She used the mere possibility of a future filing to block an emergency hearing, then waited six days to file the motion—a delay that speaks volumes about the true urgency of the matter.

23. She filed a motion to consolidate without first filing a motion to transfer, putting the procedural cart before the horse in a manner that defies both logic and law.

24. She now claims to be unavailable until late April, creating further delay after using the urgency of consolidation to block Respondent's emergency hearing—a scheduling contradiction that would be comical if not for the children caught in its web.

25. This pattern reveals a tactical attempt to manipulate both courts' dockets to prevent me from obtaining timely relief. It's a shell game played with Respondent's children's welfare as the prize. This Court should not allow itself to be used as an instrument in such procedural gamesmanship, particularly when children's lives hang in the balance.

### **V. MORAL FIBER**

26. If there's a lesson to be drawn from this procedural quagmire, it's that the law's complexity should never obscure its fundamental purpose: to provide justice, particularly for those most vulnerable. My children—innocent bystanders in this adult conflict—have become collateral damage in a game of procedural chess where the rules seem to change with each move.

27. It has been stated that the true measure of a society is found in how it treats its most vulnerable members. By that measure, the procedural labyrinth that has prevented the 233rd Court from hearing Respondent's emergency motion, and now threatens to compound the error by having this Court act prematurely, speaks volumes about how far we have strayed from the ideal of justice.

28. Respondent provide this notice not out of anger or vindictiveness, but out of that quiet, bewildered astonishment that settles in a person's bones when they've witnessed the law being twisted into shapes that would make a carnival contortionist blush with envy. Respondent followed the rules. He honored the procedures. He placed his faith in a system that promised justice would flow like water, clear and unobstructed, to those who seek it properly.



29. Behind every case number, behind every filing, behind every procedural rule, there are real children with real lives that continue whether the courts act or not. Time doesn't stop for them while adults sort out procedural disagreements. They grow, they hurt, they form memories and impressions that will shape them for a lifetime.

30. As Mark Twain might have observed, the difference between proper procedure and improper procedure is not merely academic—it's the difference between justice served and justice denied, between children protected and children neglected, between a system that works and one that merely pretends to.

## **VI. CONCLUSION AND PRAYER**

31. I respectfully request that this Court pause, reflect on the procedural peculiarity before it, and decline to hear a motion to consolidate until the proper preliminary steps have been taken. Specifically, I ask that this Court:

- a. Recognize that it lacks jurisdiction to hear a motion to consolidate until a motion to transfer has been filed in the 233rd Court and granted;
- b. Take judicial notice that Petitioner submitted to the 233rd Court's jurisdiction by answering the SAPCR petition;
- c. Acknowledge the improper procedural sequence attempted by Petitioner's counsel in filing a motion to consolidate without first filing a motion to transfer;
- d. Consider that proceeding with a hearing on the consolidation motion would only compound the procedural irregularities and further delay relief for the children;

- e. Recognize that the 233rd Court has the power and jurisdiction to address the emergency concerns raised in my TRO motion, which remains unopposed on the record.
- f. Using the court's own inherent power, dismiss the divorce outright for failure to prosecute given the circumstances of this case.

Respondent understands that in most situations, courts give deference to licensed attorneys over self-represented litigants. But the procedural impropriety here is so glaring, so fundamental, that it transcends the usual presumptions. Even a layperson can see that you cannot consolidate what you do not possess, just as you cannot serve a meal with ingredients you haven't yet purchased.

The children deserve better than to have their fate determined by procedural sleight of hand. They deserve courts that follow the law's clear sequence, that prioritize substance over form, and that remember that behind every procedural rule are real lives hanging in the balance. The truth of this matter can only be revealed once the injustices are duly corrected by this court.

Respondent has filed a similar notice to the 233<sup>rd</sup> court informing of the intent to file a writ of mandamus to compel a ruling on the emergency TRO that was unlawfully blocked from being heard by COOPER L. CARTER.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
817-546-3693  
PRO-SE

**CERTIFICATE OF SERVICE**

Respondent, CHARLES DUSTIN MYERS, certifies that, pursuant to Rule 21a of the Texas Rules of Civil Procedure that:

A copy of this NOTICE has been served to MORGAN MICHELLE MYERS through her EFM registered under [MORGANMW02@GMAIL.COM](mailto:MORGANMW02@GMAIL.COM)

A copy of this NOTICE has been provided to COOPER L. CARTER through her email [COOPERCARTER@MAJADMIN.COM](mailto:COOPERCARTER@MAJADMIN.COM)

A copy of this NOTICE has been served to HOLLY HAYES through her EFM registered email address: CSD-FILER914@TEXAS.OAG.GOV

Served on: 04/07/2025

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
817-546-3693  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
PRO-SE

**Automated Certificate of eService**

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Filing Description: Notice of Intent to Seek Writ of Prohibition

Status as of 4/7/2025 4:31 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/7/2025 1:57:58 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/7/2025 1:57:58 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	4/7/2025 1:57:58 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/7/2025 1:57:58 PM	SENT



**322-744263-23**

**RESPONDENT'S  
NOTICE OF NEW  
INFORMATION**

**04.04.25**

322-744263-23

FILED  
TARRANT COUNTY  
4/4/2025 11:58 AM  
THOMAS A. WILDER  
DISTRICT CLERK

NO. 322-744263-23

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY, TEXAS**ITMOMO***(AITIO M.E.M., C.R.M., two children)***MORGAN MICHELLE MYERS**

Petitioner,

**CHARLES DUSTIN MYERS,**

Respondent.

RESPONDENT'S NOTICE OF NEW  
INFORMATION

2025-04-04

**TO THE HONORABLE COURT:**

Respondent, CHARLES DUSTIN MYERS, submits this notice of new information, and reiterates the absurdity of this case through the following facts conclusively established by the record:

1. There has been no effort by the opposing party to prosecute this matter since April 24, 2024.
2. There is conclusive evidence supporting this suit was brought in bad faith by MORGAN MICHELLE MYERS, Petitioner
3. There is conclusive evidence supporting this suit has been litigated in bad faith by COOPER L. CARTER.
4. There are no valid orders in effect which has been the case for the cases' entirety.

5. The current orders, despite bearing the Associate Judge's signature, are *void and of no legal effect*.
6. The Respondent has suffered now over \$110,500 in verifiable damages due to being unlawfully locked out of his residence on March 6, 2024.
7. The Respondent cannot find alternative housing while being barred from being able to work.
8. The Petitioner knows this to be true but instead sabotaged the Respondent's ability to provide for the children for the purpose of pursuing an extramarital relationship that began prior to the commencement of these proceedings.
9. The Petitioner is now **ENGAGED** to **DAMEN KAZLAUSKAS**, who proposed to Petitioner in the presence of the children.
10. There is no child support set up for the children.
11. Petitioner continues to dispose of Respondent's personal belongings.
12. Despite her authority being in question, and despite her failure to prosecute, COOPER L. CARTER unilaterally interrupted emergency proceedings on March 28, 2025, claiming that the case would be consolidated the following week without being present in the courtroom.
13. The 233<sup>rd</sup> district court blatantly denied the Respondent due process in the face of COOPER L. CARTER's false promise.
14. COOPER L. CARTER doesn't know the law, because you cannot consolidate a SAPCR with a divorce matter unless the suit is transferred according to the TEXAS FAMILY CODE.

15. The court, at this point, is choosing to not grant relief despite having no reason to do so.
16. This litigation has no possible means to an end, and it should be dismissed outright so that the SAPCR may continue.
17. There has been no filed opposition, objection, or arguments made against the Respondent's position in *either suit*.
18. The Petitioner has wasted everyone's time, caused significant damage, and remains hidden in fear of being held accountable.
19. The Petitioner prioritized an extramarital affair over prosecuting the divorce, and the children and Respondent have been significantly harmed.

Therefore, this case should be dismissed as a matter of law. Every day causes more irreparable harm, and this court has every ability and reason to rectify this situation immediately. Respondent already has the solution and has been the only party in this matter seeking relief. It is simply unacceptable to permit this to continue.

Respectfully submitted,

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MYERS  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
817-546-3693  
PRO-SE



**CERTIFICATE OF SERVICE**

Respondent, CHARLES DUSTIN MYERS, certifies that, pursuant to Rule 21a of the Texas Rules of Civil Procedure that:

A copy of this NOTICE has been served to MORGAN MICHELLE MYERS through her EFM registered under [MORGANMW02@GMAIL.COM](mailto:MORGANMW02@GMAIL.COM)

A copy of this NOTICE has been provided to COOPER L. CARTER through her email [COOPERCARTER@MAJADMIN.COM](mailto:COOPERCARTER@MAJADMIN.COM)

A copy of this NOTICE has been served to HOLLY HAYES through her EFM registered email address: CSD-FILER914@TEXAS.OAG.GOV

Served on: 04/04/2025

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
817-546-3693  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
PRO-SE

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Filing Description: Notice  
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Cooper L.Carter		coopercarter@majadmin.com	4/4/2025 11:58:22 AM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	4/4/2025 11:58:22 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/4/2025 11:58:22 AM	SENT



**02-25-00164-CV**

**MANDAMUS**

**04.10.25**

No.02-25-00164-CV  
IN THE  
SECOND JUDICIAL DISTRICT COURT OF APPEALS  
AT FORT WORTH, TEXAS

---

IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

---

On Petition for Writ of Mandamus  
to the 233<sup>rd</sup> Judicial District Court, Tarrant County  
Cause Number 233-765358-25  
Hon. Kate Stone Presiding

---

PETITION FOR WRIT OF  
MANDAMUS

---

Respectfully submitted by:

Charles Dustin Myers  
chuckdustin12@gmail.com  
Tel.: 817-546-3693



Emergency Relief Requested

**Identity of Parties and Counsel*****Relator***

Charles Dustin Myers  
[REDACTED]

[chuckdustin12@gmail.com](mailto:chuckdustin12@gmail.com)

817-546-3693

***Respondent***

Hon. Kate Stone  
Associate Judge of the 233rd District Court,  
Tarrant County, Texas  
200 E. Weatherford St. 5th Floor  
Fort Worth, TX 76196-0227

[adwierzicki@tarrantcountytx.gov](mailto:adwierzicki@tarrantcountytx.gov)

817-884-1197

***Real Party in Interest***

Morgan Michelle Myers  
[REDACTED]

[Morganmw02@gmail.com](mailto:Morganmw02@gmail.com)

817-235-5189

***Counsel for Real Party in Interest***

Cooper L. Carter  
Marx, Altman & Johnson  
2905 Lackland Road  
Fort Worth, TX 76116;  
(817) 926-6211

[coopercarter@majadmin.com](mailto:coopercarter@majadmin.com)

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### **Statement of the Case**

**Nature of Underlying Proceeding:** This original proceeding arises from a Suit Affecting the Parent-Child Relationship ("SAPCR") involving two minor children, M.E.M. and C.R.M., in which Relator filed an emergency ex parte application for temporary restraining order ("TRO") in the 233rd District Court of Tarrant County, Texas. The underlying SAPCR (Cause No. 233-765358-25) was a new proceeding initiated by Relator on March 19, 2025, and was answered on March 20, 2025. There is a related divorce matter (322-744263-23) that has not been prosecuted since April 24, 2024, and no final orders have been rendered. Relator seeks declaratory and injunctive relief preventing the Real Party in Interest from barring Relator's from accessing his home, business, and children until valid orders are rendered that reflect the children's best interests.

**Respondent Judge:** The Respondent Judge, Kate Stone, is the presiding Associate Judge of the 233rd District Court of Tarrant County, Texas. Her office is located at 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227.

**Respondent's Challenged Actions and inaction:** The trial court refused to hear an emergency motion before it on March 28, 2025, and used out-of-court statements made by the opposing counsel regarding a *forward looking* consolidation motion that *would be filed* at a later date, and denied to hear the motion after a full hearing date was agreed upon by both parties for April 10, 2025.

**Statement of Jurisdiction**

This Petition for Writ of Mandamus is filed in the Second Court of Appeals, which has jurisdiction to issue writs of mandamus to associate judges within its district. **See** Tex. Gov't Code § 22.221(c) as amended by H.B. No. 1480.

Respondent is the Associate Judge of the 233rd District Court of Tarrant County, which lies within the Second Court of Appeals District. Accordingly, this Court has jurisdiction over this original proceeding.

**Issues Presented**

- B. Are the March 14, 2024, temporary orders rendered by an Associate Judge *void ab initio* because they explicitly state that all parties agree to the terms of the order yet only contain the signatures of the opposing party and were never properly adopted by the referring court?
- C. Did the Respondent abuse her discretion by failing to perform a clear ministerial duty when she refused to consider and rule on Relator's properly filed ex parte emergency Application for TRO?
- D. Did the Respondent further abuse her discretion un-setting the matter for a hearing, and favoring a forward-looking consolidation motion as the grounds for denying to hear the emergency TRO before a transfer was filed?
- E. The Relator has been left without an adequate remedy for an appeal because no order resulted from the Respondent judge's refusal to act on Relator's emergency TRO.
- F. Did the Respondent clearly abuse her discretion by excluding any exhibits related to the emergency TRO?

### **Statement of Facts**

“**MR**” in this section refers to the mandamus record.

“**APP**” refers to the relator’s appendix.

“**SUPP**” refers to the supplemental appendix filed concurrently with this petition.

1. On March 14, 2024, temporary orders were rendered as an agreed judgement despite the consent of all parties not being present at the time of rendition.

#### ***APP 2***

2. The temporary orders claim that all parties consent to the terms of the orders. ***APP 2.1***
3. The temporary orders are missing the Relator’s signature because he did not consent to the orders. ***APP 2.38***
4. On March 19, 2025, Relator opened an original SAPCR in the 233<sup>rd</sup> district court to seek relief from ongoing damage to the status quo and children’s livelihood caused by these orders and filed an IFP statement. ***MR 1***
5. On March 20, 2025, the SAPCR was answered, and claimed COOPER L. CARTER had been retained in her individual capacity to represent real party in interest, yet the pleading was filed by a party not named in the suit, RODERICK D. MARX on behalf of COOPER L. CARTER. ***MR 3, MR 3.4***
6. On March 20, 2025, a motion to consolidate was filed by RODERICK D. MARX on behalf of COOPER L. CARTER. ***MR 4, MR 4.3***

7. On March 20, 2025, Relator filed a MOTION TO STRIKE RESPONDENT'S ANSWER AND MOTION TO CONSOLIDATE on the grounds that they were filed by a non-party and vague. **MR 5**
8. On March 21, 2025, Relator filed a verified RULE 12 MOTION TO SHOW AUTHORITY due to COOPER L. CARTER'S inactivity in the divorce matter for over 11 months and to clear up the ambiguity surrounding RODERICK D. MARX. **MR 6**
9. COOPER L. CARTER uses RODERICK D. MARX for filing pleadings because her EFM account is registered under her prior employer's email address. **MR 5.7**
10. On March 24, 2025, Relator filed an EX-PARTE EMERGENCY TRO seeking emergency relief for the minor children in this suit, who have been subjected to psychological manipulation, gaslighting, declining academic performance, and medical neglect. **MR 7**
11. On March 26, 2025, Relator contacted the court coordinator, was told he may present the TRO, and notified the opposing counsel that he would present the motion at 9:00 A.M. on March 28, 2025. **SUPP 2.9**
12. On March 27, 2025, Relator served a copy of the TRO, exhibits, and proposed order to the opposing party, and informed them of the relief being sought. **SUPP 2.18**

13. On the evening of March 27, 2025, opposing counsel bypassed communicating with Relator and directly contacted the court coordinator informing them of her intent to file a consolidation motion in the 322<sup>nd</sup> district court. ***SUPP 2.19***
14. On March 28, 2025, the relator drove to court, paid for parking, met with the coordinator, contacted the opposing party and provided available hearing dates. ***SUPP 2.24***
15. When the Relator went before the Respondent Judge to present the emergency TRO, Relator was denied the ability to Present the motion, and no order or ruling was given, and the agreed upon date for April 10, 2025, was un-set by the Respondent judge without hearing the motion. ***SUPP 2.27***
16. On April 1, 2025, Relator filed a PETITIONER’S STATEMENT to document facts Regarding COOPER L. CARTER’S bad faith litigation and to reiterate his legal position. ***MR 8***
17. On April 7, 2025, Relator filed a NOTICE OF INTENT TO FILE MANDAMUS and EMERGENCY STAY with the 233<sup>rd</sup> District Court. ***MR 9***
18. On April 8, 2025, Relator filed a NOTICE OF INCLUSION to include the email correspondence and other relevant materials relevant to this Mandamus petition. ***SUPP 2.1***

19. On April 9, 2025, Relator received a rejection letter regarding the NOTICE OF INCLUSION and was prevented from including the crucial exhibits.

***SUPP 1.1***

20. On April 9, 2025, when contacting the clerk for the reason for the rejection, she stated that “Each court/Judge is different in what they will or will not accept into a case. For our court you can reach out to our coordinator Angie on how to submit those exhibits to the court, but we are unable to accept any exhibits into the case.” ***SUPP 1.1***

## ARGUMENT

### **A. Mandamus Standard**

Mandamus relief is not merely appropriate but *imperative* in this case because the trial court's inaction and the continued enforcement of a void order constitute a clear abuse of discretion for which Relator has no adequate remedy at law. The Texas Supreme Court has consistently and unequivocally held that to obtain mandamus relief, a Relator must show (1) the trial court clearly abused its discretion or violated a duty imposed by law, and (2) there is no adequate remedy by appeal. *In re Bass*, 113 S.W.3d 735, 738 (Tex. 2003) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992).

Texas jurisprudence firmly establishes that mandamus will lie to correct a void order, even without a traditional showing of inadequate appellate remedy. As the Supreme Court of Texas definitively stated in *Urbish v. 127th Judicial Dist. Court*, 708 S.W.2d 429, 431 (Tex. 1986) (orig. proceeding), mandamus will issue to correct a void order, i.e., an order the trial court had no power or jurisdiction to render. The Court has further emphasized in *In re Sw. Bell Tel. Co.*, 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding) that if an order is void, the Relator need not show he lacks an adequate appellate remedy, and mandamus relief is appropriate. This principle was recently reaffirmed in *In re J.R.*, No. 02-21-00060-CV, 2021 WL 1421440 (Tex. App.—Fort Worth Apr. 15, 2021, orig. proceeding), where the



court explicitly stated: "A trial court abuses its discretion if it enters a void order, and mandamus will issue to remedy the void order regardless of whether the relator has an adequate remedy by appeal."

**B. The temporary orders rendered on March 14, 2024, are void ab initio**

A fundamental and inviolable principle in Texas jurisprudence is that a judgment based on a settlement requires the consent of both parties at the time it is rendered by the court. The Texas Supreme Court's seminal decision in *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (1951) established the bedrock principle that a party is free to withdraw their consent to a settlement at any time before the judgment is rendered. The Court's language was unambiguous and leaves no room for interpretation: "A valid consent judgment cannot be rendered by a court when consent of one of the parties thereto is wanting. It is not sufficient that a party's consent may at one time have been given; consent must exist at the very moment the court undertakes to make the agreement the judgment of the court." *Id.* This principle has been consistently reaffirmed, as in *Carter v. Carter*, 535 S.W.2d 215 (Tex. Civ. App. 1976), which emphasized that "the law seems to be clear that a consent judgment cannot be rendered by a trial court when consent of one of the parties is lacking, even though that consent may have been previously given."

In the present case, the only orders rendered by any court were rendered as consent judgments but lack the signatures of all parties. The orders themselves

explicitly state "As evidenced by the signatures below, all parties agree to the terms of this order" on page 1, **APP 2.1**, and later page 38 states "APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE" yet crucially lacks the signature of the Relator and his prior counsel. **APP 2.38**. The Court must recognize that the absence of the Relator's signature is not a mere technical deficiency but a fatal jurisdictional flaw that renders the orders void ab initio. Because his signature was required to effectuate consent, and the orders themselves acknowledge this requirement, the orders are unquestionably void.

**C. Outright refusing to hear the emergency TRO is a clear abuse of discretion**

It is well-settled and beyond legitimate dispute that a trial court has a ministerial duty to consider and rule on motions that have been properly filed and brought to the court's attention. The Texas Court of Appeals has emphatically stated, "When a motion is properly filed and pending before the trial court, the act of giving consideration to and ruling upon that motion is a ministerial act, and mandamus may issue to compel the trial judge to act." *Safety-Kleen Corp. v. Garcia*, 945 S.W.2d 268, 269 (Tex. App.- San Antonio 1997, orig. proceeding). To establish an abuse of discretion for refusal to rule, the relator must show: (1) the trial court had a legal duty to perform a nondiscretionary act, (2) the relator requested performance of that act, and (3) the trial court failed or refused to do so.

*In re Shredder Co., L.L.C.*, 225 S.W.3d 676, 679 (Tex. App.—El Paso 2006, orig. proceeding).

Here, the Relator properly filed his emergency TRO application in the 233rd District Court, meticulously followed all procedural requirements, and appeared at the scheduled time to present at 9:00 A.M. on March 28, 2025. **SUPP 2.11** The Court must recognize that the court's refusal to even consider the application—based solely on an opposing counsel's unverified, informal representation about a future filing in another court—constitutes a clear and inexcusable failure to perform a ministerial duty – especially when no response or opposition to the TRO was filed by the opposing party and that same party was permitted to interfere with the proceedings without being present in the courtroom. **SUPP 2.19**

The refusal is particularly troubling because 1) The TRO application involved un-opposed allegations of immediate harm to children, which courts are obligated to address promptly; 2) the refusal was due to a *forward looking* consolidation motion; 3) even if a motion to consolidate had been filed, it would not automatically divest the 233rd Court of jurisdiction until actually granted; and 4) the proper procedure would have been a motion to transfer, not consolidation. *See* Tex. Fam. Code § 6.407. This misapplication of the law resulted in the refusal to hear a properly filed motion to favor a procedurally improper motion that hadn't even been filed yet.

In *In re Blakeney*, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proc.), the court held that mandamus is appropriate when a trial court refuses to rule on a properly filed motion and the relator has no adequate remedy by appeal. That is precisely the situation here. The 233rd Court's refusal to even consider Relator's emergency TRO application has left him with no forum to address his urgent concerns about the children's welfare, as the case before the 322nd has been procedurally abandoned and Relator has been seeking relief from facially void temporary orders to no avail since March 14, 2024, without any opposition from the opposing counsel. *SUPP 3.2*

**D. Improper consolidation does not justify the refusal to act**

The 233rd Court's refusal to act was based on a fundamentally flawed legal premise: that the 322nd District Court had continuing exclusive jurisdiction over the children. Under Texas Family Code § 155.001, a court acquires continuing exclusive jurisdiction over children only when it renders a "final order" in a SAPCR. It is undisputed that the 322nd Court never rendered any final order regarding the children. Without a final order, the 322nd Court never acquired continuing, exclusive jurisdiction over the children. Therefore, the 233rd Court was entirely within its authority to hear and rule on Relator's emergency TRO application pursuant to § 155.001.

Moreover, even if the 322nd Court had continuing exclusive jurisdiction (which it does not), the proper procedure would have been a motion to transfer under the Family Code, not consolidation. Consolidation is appropriate for related cases within the same court, not for transferring jurisdiction between courts. By refusing to act based on an anticipated consolidation motion, the 233rd Court fundamentally misapplied the law, as consolidation cannot be effectuated prior to the transfer of the action. Tex. Fam. Code § 6.407.

Rather, opposing counsel could have filed a plea in abatement but instead chose to Respond to the SAPCR after not prosecuting the divorce case since April 24, 2024.

**E. Relator has been left with no adequate remedy by an appeal**

Because the 233rd District Court outright refused to hear the emergency TRO before it and the appearance before the court produced no order, the Relator has been left without an adequate remedy for an appeal. The Texas Supreme Court has recognized that mandamus relief is appropriate when "a party's ability to present a viable claim or defense is vitiated or severely compromised." *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004). That is precisely the situation here. The Relator has diligently sought relief in a one-sided case to no avail, and the 233rd SAPCR was opened to escape the abandoned divorce suit that hasn't been prosecuted since April 24th, 2024, and has no valid orders in effect.

## **F. Refusal to accept relevant exhibits central to the emergency TRO**

On April 9th, 2025, Relator attempted to file a NOTICE OF INCLUSION with the trial court, which included critical exhibits related to the emergency TRO. The Judge refused outright to permit Relator to include any exhibits related to the TRO in the rejection comments. *SUPP 2.13, 2.16* When contacting the clerk's office, no substantive response was received from the court coordinator. The returned comment stated: "Judge's request. Please resubmit without the attached exhibits" without citing any legal authority, statute, rule, or local procedure justifying this rejection. *SUPP 1.1*.

This rejection by the clerk constitutes a clear violation of the Texas Rules of Civil Procedure. Rule 21(f)(11) states: "The clerk may not refuse to file a document that fails to conform with this rule." Instead, the rule provides that the clerk "may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format." Here, the clerk provided no specific error to be corrected, and no legal basis for the rejection outside of "we are unable to accept any exhibits into the case". *SUPP 1.1* By doing so, the Relator has been deprived of essential privileges to make a record pursuant to Tex. Const Art. 1, § 19.

Moreover, Rule 59 of the Texas Rules of Civil Procedure states: "Notes, accounts, bonds, mortgages, records, and all other written instruments,

constituting, in whole or in part, the claim sued on, or the matter set up in defense, may be made a part of the pleadings by copies thereof, or the originals, being attached or filed and referred to as such, or by copying the same in the body of the pleading in aid and explanation of the allegations in the petition or answer made in reference to said instruments and shall be deemed a part thereof for all purposes.”

The request to remove the exhibits specifically for the emergency TRO without any statutory backing raises suspicion that the trial court is actively trying to prevent the record from being properly established.

Finally, by rejecting exhibits central to Relator's emergency TRO application without legal justification, the clerk has effectively denied Relator the ability to make a complete record and present all relevant evidence to this court, thereby impairing Relator's due process rights. The rejected exhibits have been served on the opposing party and will be included in the supplemental record pursuant to Tex. R. App. P. § 52.7(b).

### **CONCLUSION AND PRAYER**

Relator has been seeking relief for his children for over a year while the opposing party has failed to prosecute their case. They obtained orders by falsely claiming consent and then abandoned their case. There have been no filed responses to any relief sought by the Relator, no objections filed, and if the Relator had not opened the SAPCR to seek relief for his Children, there was no indication

that the real party in interest ever intended to move the dormant divorce proceeding towards final trial. There are no valid, legally binding orders in effect, yet they have been used to control the Relator's livelihood and have destroyed the children's status quo. The opposing counsel only resurfaced at the 11<sup>th</sup> hour in a separate proceeding for the sole purpose of interfering with the relief sought by the Relator without even being present in the courtroom. *SUPP 2.19*

WHEREFORE, PREMISES CONSIDERED, Relator Charles Dustin Myers respectfully prays that this Court:

1. Issue a writ of mandamus directing Respondent, the Honorable Kate Stone, Associate Judge of the 233rd District Court of Tarrant County, Texas, to hear and rule on Relator's Emergency Application for Temporary Restraining Order at the earliest practical date;
2. Grant the emergency temporary relief requested in Relator's separate Emergency Motion under TRAP 52.10, filed concurrently with this petition because the orders are facially void;
3. Take judicial notice that Relator has been unlawfully barred from his matrimonial residence and children under these void orders for over a year while the real party in interest has remained completely silent;



4. Take judicial notice that no filed responses, objections, or any substantive information has been provided by the opposing party throughout these proceedings;
5. Take judicial notice that crucial elements of the claims were prohibited from being made a part of the official court record and will be supplemented.
6. Grant such other and further relief, both general and special, at law and in equity, to which Relator may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers

Charles Dustin Myers, Pro Se



Email: [chuckdustin12@gmail.com](mailto:chuckdustin12@gmail.com)

Phone: 817-546-3693

PRO-SE RELATOR

**Certification (TRAP 52.3(j))**

Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

PRO-SE RELATOR

**Certificate of Compliance (TRAP 9.4(i)(3))**

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document contains **2899 words**.

**CERTIFICATE OF SERVICE**

Relator certifies that on April 10, 2025, a true and correct copy of the foregoing Petition for Writ of Mandamus was served on all parties and counsel of record as follows:

**Hon. Kate Stone J.D.**

Associate Judge, 233rd District Court  
Tarrant County Family Law Center  
200 E. Weatherford St.  
Fort Worth, TX 76196

Via electronic submission to the court coordinator

Via email: [ADWierzbicki@tarrantcountytexas.gov](mailto:ADWierzbicki@tarrantcountytexas.gov)

**Morgan Michelle Myers**

Real Party in Interest

VIA the EFM at:

[MORGANMW02@GMAIL.COM](mailto:MORGANMW02@GMAIL.COM)

**Cooper L. Carter**

Marx, Altman & Johnson  
2905 Lackland Road  
Fort Worth, TX 76116

Via email: [coopercarter@majadmin.com](mailto:coopercarter@majadmin.com)

/s/ Charles Dustin Myers

Charles Dustin Myers,  
Pro Se Relator

No. \_\_\_\_\_ -CV

IN THE  
SECOND JUDICIAL DISTRICT COURT OF APPEALS  
AT FORT WORTH, TEXAS

---

IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

---

Original Proceeding Arising Out of  
the 233<sup>rd</sup> Judicial District Court of Tarrant  
County, Texas

Cause Number 233-765358-25

Hon. Kate Stone Presiding

---

RELATOR'S APPENDIX

---

Respectfully submitted by:

Charles Dustin Myers  
chuckdustin12@gmail.com  
Tel.: 817-546-3693

  
Pro-se Relator

NAME

TAB

Order setting hearing for TRO ..... 1

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**STATE OF TEXAS COUNTY OF TARRANT**  
**AFFIDAVIT CERTIFYING RELATOR'S APPENDIX**

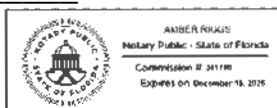
BEFORE ME, the undersigned authority, personally appeared **Charles Dustin Myers**, who, being duly sworn by me, stated upon oath as follows:

1. **My name is Charles Dustin Myers.** I am over the age of eighteen, competent to make this affidavit, and I am the Relator in the above-captioned cause. I have personal knowledge of the facts stated herein, and each is true and correct.
2. I am familiar with the documents included in Relator's Appendix submitted in support of the Petition for Writ of Mandamus filed in the Second Court of Appeals at Fort Worth, Texas, arising from cause number 233-765358-25 in the 233rd District Court of Tarrant County, Texas and hereby certify that each of the documents contained in Relator's Appendix is a true and correct copy of the original document under penalty of perjury.
3. The Appendix is submitted in accordance with Texas Rule of Appellate Procedure 52.3(k)(1)(A) and is tendered as a proper record of the matters complained of in the mandamus proceeding.

FURTHER AFFIANT SAYETH NOT.

*Charles Dustin Myers*

**Charles Dustin Myers**  
 Relator *CDM*



State of Florida

County of Bay County

This foregoing instrument was acknowledged before me by means of online notarization, this 04/10/2025 by Charles Dustin Myers.

*Amber Riggs*  
 Amber Riggs

**Automated Certificate of eService**

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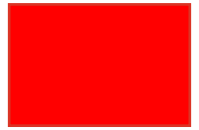
Filing Code Description: Original Proceeding Petition

Filing Description: PETITION FOR WRIT OF MANDAMUS AND  
RELATOR'S APPENDIX - VERIFIED

Status as of 4/10/2025 3:05 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Kate Stone		adwierzbicki@tarrantcountytx.gov	4/10/2025 2:37:09 PM	SENT
COOPER LCARTER		COOPERCARTER@MAJADMIN.COM	4/10/2025 2:37:09 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/10/2025 2:37:09 PM	SENT
CHARLES MYERS		CHUCKDUSTIN12@GMAIL.COM	4/10/2025 2:37:09 PM	SENT



**233-765358-25**

**ORIGINAL  
SAPCR**

**03.18.25**

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: 233-765358-25

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Interest of the following Minor Child(ren):

(Print the initials of each child.)

- 1 M.E.M,
- 2 C.R.M.,
- 3
- 4
5.

In the 322nd

Court Number

- ☒ District Court
- ☐ County Court at Law of:

TARRANT

County, Texas

Petition in Suit Affecting the Parent-Child Relationship

My name is: CHARLES DUSTIN MYERS

FirstMiddleLast

I am the **Petitioner**, the person asking the Court to make orders about the child or children named below.

My driver's license was issued in (state) TEXAS

The last three numbers of my driver's license number are: 608

Or ☐ I do not have a driver's license.

The last three numbers of my social security number are: 963

Or ☐ I do not have a social security number.

I am: (Check one.)

☐ not related to the child(ren).

☒ related to the child(ren). I am the child(ren)'s: FATHER

Write your relationship to the child(ren).

1. Discovery Level

The discovery level in this case, if needed, is Level 2.

2. Child(ren)

I ask the Court to make orders about the following child(ren):

	Child's name	County and State where child lives now
1.	M.E.M.	TARRANT/TEXAS
2.	C.R.M.	TARRANT/TEXAS
3.		
4.		
5.		



### 3. Standing

The law allows me to file this case because I am: (Check one.)

- ☐ the mother of the child(ren).
- ☒ the “legal father” of the child(ren). An Acknowledgment of Paternity form has been signed and filed with the Vital Statistics Unit for each child. A copy of each Acknowledgment of Paternity is attached to this Petition.
- ☐ a person who has had actual care, control, and possession of the child(ren) for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court. I am not a foster parent.
- ☐ a person who lived with the child(ren) and the child(ren)’s parent, guardian, or managing conservator for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court, and the child(ren)’s parent, guardian, or managing conservator is now dead.
- ☐ the grandparent, great-grandparent, sister, brother, aunt, uncle, niece, or nephew of the child(ren) and: (Check the box below that applies to your case.)
- ☐ both parents are dead.
- ☐ both parents, the surviving parent, or managing conservator agree to me filing this case.
- ☐ the child(ren)’s present circumstances will significantly impair (*harm*) the child(ren)’s physical health or emotional development.
- ☐ other: \_\_\_\_\_

(Read the law about standing in Texas Family Code Sections 102.003, 102.004 and 102.006)

**Note:** If you are the mother or biological father of the child/ren and an Acknowledgment of Paternity form has not been signed and filed for each child, you may need to file a paternity case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a paternity case at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

### 4. Jurisdiction

There are no court orders about any of the child(ren). No other Court has continuing jurisdiction over this case or the child(ren).

Texas has authority to decide this case because: (Check one.)

- ☒ The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.
- ☐ The children do not live in Texas now, but they have been gone from Texas less than 6 months. The children had lived in Texas for at least 6 months before they moved. A parent or person acting as a parent continues to live in Texas.

**Important:** Talk to a lawyer if neither of the above applies.

**Note:** If there is already a court order about any of the children, you may need to file a modification case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a modification case at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

**Note:** There may be one or more Respondents. Read the SAPCR instructions at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) for information about who must be listed as a Respondent and given legal notice of the case.

Respondent A's name is: MORGAN MICHELLE MYERS  
PRINT the full name of Respondent A.

☒ the mother of the child(ren).  
☐ the legal father of the following child(ren): \_\_\_\_\_  
☐ an alleged father of the following child(ren): \_\_\_\_\_  
☐ other: \_\_\_\_\_

**M.2056**

☐ Check this box if there are no other Respondents and skip to section 6.

Respondent C is: (Check one.)

- Legal Notice:** (Check one.)

- ☐ Check this box if there are no other Respondents and skip to page 5 section 6.

Respondent D is: (Check one.)

- Legal Notice:** (Check one.)

- M.2057**

- ☐ I think Respondent D will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent D with this Petition at this time.
- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

## 6. Out-of-State Respondent(s)

(Check one.)

- ☒ Everyone involved in this case lives in Texas.
- ☐ The following Respondent does not live in Texas: \_\_\_\_\_

**Note:** You must complete and attach the Exhibit: Out-of-State Party Declaration if you or a Respondent does not live in Texas.

Print the FULL name of the Out-of-State Respondent.

(Check all that apply for the Out-of-State Respondent.)

- ☐ The Respondent agrees that a Texas court can make orders in this case and will file a written response with the court.
- ☐ The children live in Texas because of the Respondent's actions.
- ☐ The Respondent has lived in Texas with the children.
- ☐ The Respondent has lived in Texas and provided prenatal expenses or support for the children.
- ☐ The Respondent had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
- ☐ The child was born in Texas and the Respondent registered with the paternity registry maintained by the Texas Vital Statistics Unit or signed an Acknowledgment of Paternity filed with the Texas Vital Statistics Unit.
- ☐ The Respondent will be personally served with citation in Texas.

## 7. Conservatorship (Custody)

I ask the court to make conservatorship (custody) orders naming: (Check a, b, c, d, or e.)

- a. ☒ Mother and Father Joint Managing Conservators of the child(ren) with:

(If you checked a, check a-1, a-2, or a-3.)

- a-1. ☒ Father having the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

- ☐ this county. ☒ this county or in counties adjacent to this county.
- ☐ Texas. ☐ anywhere. ☐ other: \_\_\_\_\_.

- a-2. ☐ Mother having the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

- ☐ this county. ☐ this county or county adjacent to this county.
- ☐ Texas. ☐ anywhere. ☐ other: \_\_\_\_\_.

- a-3. ☐ Neither parent having the exclusive right to designate the primary residence of the children but both parents ordered not to remove the children's primary residence from the following specific geographic area: (Check one box below.)

- ☐ this school district: \_\_\_\_\_ ☐ this county.
- ☐ this county or county adjacent to this county. ☐ other: \_\_\_\_\_.

- b. ☐ Mother Sole Managing Conservator of the child(ren).

- c. ☐ Father Sole Managing Conservator of the child(ren).

- d. ☐ \_\_\_\_\_ Nonparent Sole Managing Conservator of the child(ren).
- e. ☐ \_\_\_\_\_ and \_\_\_\_\_  
Nonparent Joint Managing Conservators of the child(ren).

### 8. Child(ren)'s Passports (Check only if applicable.)

- ☒ I ask the Court to order that I have the exclusive right to apply for and renew passports for the child(ren).

### 9. Possession and Access (Visitation)

I ask the court to make possession and access (visitation) orders as follows: (Check a, b, c, d or e.)

- a. ☐ Father should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- b. ☐ Mother should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- c. ☒ "Standard visitation" would be unworkable or inappropriate. Possession and access to the children should be as follows:

Due to the past year of ongoing harm and deprivation, Petitioner requests  
access to the children be worked out between Petitioner and Respondent due to  
the family's unique circumstances.

- d. ☐ One or more of the children is under age 3. Until the child turns 3, possession should be as follows:

After the child turns 3, possession should be as checked above.

- e. ☐ I am concerned about the safety of the children with: ☐ Father ☐ Mother

Therefore, I ask that: (If you checked e, check all that apply below.)

e-1. ☐ exchanges of the children be supervised, or in the alternative, be in a public place

e-2. ☐ that parent's possession of the children be limited to day visits

e-3. ☐ that parent's possession of the children be supervised

e-4. ☐ that parent have no right to possession or access to the children

e-5. ☐ that parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the children.

e-6. ☐ that parent's possession and access to the children be restricted as follows:

(Check only if applicable.)

- ☐ I am concerned that the other parent may take the child(ren) to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child(ren).

## 10. Child Support and Medical Support

I ask the court to make appropriate orders for the support of the child(ren), including regular child support, medical support and dental support and, if supported by the evidence, retroactive child support.

## 11. Protective Order Statement

**Note:** You **must** provide information about any protective order or pending application for protective order involving a party in this case or a child of a party. This includes information about any: 1) family violence protective order, (2) sexual assault, sexual abuse, trafficking or stalking protective order and/or (3) emergency protective order issued after an arrest.

A "party" includes you (the Petitioner) and anyone listed as a Respondent in this Petition.

You **must also** attach to this Petition a copy of any protective order (even if it's expired) in which one party or a child of a party was the applicant or victim and another party was the respondent or defendant.

If your petition does not accurately reflect whether there is a protective order, the Court may require you to file an amended petition.

(Check the appropriate boxes. Fill in the requested information, if applicable.)

### 11A. No Protective Order

- ☒ I do not have a protective order and I have not asked for one.
- ☐ No one has a protective order against me or asked for one.

### 11B. Pending Protective Order

- ☐ I filed paperwork at the courthouse asking for a protective order, but a judge has not decided if I should get it. I asked for a protective order against \_\_\_\_\_.
- I asked for a protective order on \_\_\_\_\_ in \_\_\_\_\_ County, \_\_\_\_\_ State.
- Date Filed                      County                      State
- The cause number of the protective order case is \_\_\_\_\_.
- If I get a protective order, I will file a copy of it before any hearings in this case.

- ☒ The Respondent filed paperwork asking for a protective order, but a judge has not decided if the Respondent will get it. The Respondent asked for a protective order on 2023-12-14 in \_\_\_\_\_.
- Date Filed
- TARRANT County, TEXAS State.
- The Respondent asked for a protective order against CHARLES DUSTIN MYERS.
- The cause number of the protective order case is 322-744263-23.
- If the Respondent gets a protective order, I will file a copy of it before any hearings in this case.

### 11C. Protective Order in Place

- ☐ I have a protective order. The protective order is against \_\_\_\_\_.
- I got the protective order on \_\_\_\_\_ in \_\_\_\_\_ County, \_\_\_\_\_ State.
- Date of Order                      County                      State

The cause number for the protective order is \_\_\_\_\_.

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

- ☐ A Respondent in this case has a protective order.

The protective order is against \_\_\_\_\_.

The protective order was made on \_\_\_\_\_ in \_\_\_\_\_ County, \_\_\_\_\_ State.

Date of Order                      County                      State

The cause number for the protective order is \_\_\_\_\_.

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

## 12. Family Information (Check only if applicable.)

- ☐ I believe the children or I will be harassed, abused, seriously harmed, or injured if I am required to give the Respondent(s) the information checked below for myself and the children: (Check the boxes below to tell the judge which information you want to be kept confidential.)

- ☐ home address,      ☐ mailing address,      ☐ employer,      ☐ work address,  
☐ home phone no.,      ☐ work phone no.      ☐ social security no.,      ☐ driver's license no.,  
☐ email address.

I ask the Court to Order that I not have to give this information or notice of changes in this information to the Respondents. I also ask the Court to keep this information confidential.

## 13. Children's Property (Check one.)

- ☒ The children do not own any property of significant value in their own name.  
☐ The children own the following property of significant value in their own name:

\_\_\_\_\_.

## 14. Health Insurance Availability for Children

The children: (Check all that apply.)

- ☐ have **private health insurance**.

Name of insurance company: \_\_\_\_\_

Policy number: \_\_\_\_\_ Cost of premium: \$ \_\_\_\_\_

Name of person who pays for insurance: \_\_\_\_\_

The insurance policy ☐ is ☐ is not available through the parent's work.

- ☐ have health insurance through **Medicaid**.

- ☐ have health insurance through **C.H.I.P.** Cost of premium (if any): \_\_\_\_\_

- ☒ **do not** have health insurance.

If the children do not have private health insurance also complete the following:

Private health insurance ☐ is ☒ is not available to Father at a reasonable cost.

Private health insurance ☐ is ☒ is not available to Mother at a reasonable cost.

## 15. Dental Insurance Availability for Children

The child(ren): (Check one.)

☐ have **private dental insurance**.

Name of insurance company: \_\_\_\_\_

Policy number: \_\_\_\_\_ Cost of premium: \$ \_\_\_\_\_

Name of person who pays for insurance: \_\_\_\_\_

The insurance policy ☐ is ☐ is not available through the parent's work.

☒ **do not** have dental insurance.

If the children do not have private dental insurance also complete the following:

Private dental insurance ☐ is ☒ is not available to Father at a reasonable cost.

Private dental insurance ☐ is ☒ is not available to Mother at a reasonable cost.

## 16. Public Benefits

The children: (Check all that apply.)

☐ have Medicaid now **or** had in the past.

☒ get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

**Note:** If your children have ever received Medicaid or TANF, you MUST send a copy of this Petition to the Office of the Attorney General Child Support Division. You MUST also sign the "Certificate of Service to the Office of the Attorney General" below.

## 17. Request for Judgment

I ask that citation and notice be issued as required by law and that the Court make the orders I have asked for in this Petition and any other orders to which I am entitled. I ask for general relief.

Respectfully,

→ /s/ Charles Dustin Myers

Petitioner's Signature

03/18/2025

Date

CHARLES DUSTIN MYERS

Petitioner's Name (Print)

(817) 456 3693

Phone

6641 ANNE COURT, WATAUGA, TEXAS 76148

Mailing Address

City

State

Zip

Email Address: CHUCKDUSTIN12@GMAIL.COM Fax (if available) \_\_\_\_\_

**Warning:** Each Respondent will get a copy of this form. If you are concerned about a Respondent learning your address, call the Hope Line at 800-374-4673(HOPE) for free advice before filing this form with the court.

**I understand that I must notify the Court and each Respondent's attorney (or the Respondent if the Respondent does not have an attorney) in writing if my mailing address or email address changes during these proceedings.** If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.



## 18. Certificate of Service to the Office of the Attorney General (OAG)

Sign below **only** if your child(ren) receive (or have received) Medicaid or TANF. This tells the judge that you will deliver a copy of this Petition to the Office of the Attorney General Child Support Division as required by law. Get contact information for the Office of the Attorney General Child Support Office in the county where this case will be filed at [https://www.texasattorneygeneral.gov/apps/cs\\_locations/](https://www.texasattorneygeneral.gov/apps/cs_locations/). Bring proof of delivery with you to court.

I certify that a true copy of this Petition was served on the Office of the Attorney General Child Support Division\* in person, by certified and first-class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.

→ /s/ Charles Dustin Myers

Petitioner's Signature

03/18/2025

Date

**Note:** For Information about how to file an answer go to [www.TexasLawHelp.org](http://www.TexasLawHelp.org)

For a referral to a lawyer call your local lawyer referral service  
or the State Bar of Texas Lawyer Referral Information Service at 800-252-9690.

For information about free and low-cost legal help in your county go to  
[www.TexasLawHelp.org](http://www.TexasLawHelp.org) or call the Legal Aid office serving your area:

**Legal Aid of Northwest Texas** 888-529-5277 (serves Dallas / Fort Worth area & Northwest Texas)

**Lone Star Legal Aid** 800-733-8394 (serves Houston area & East Texas)

**Texas Rio Grande Legal Aid** 888-988-9996 (serves Austin / San Antonio area, El Paso area & South Texas)

If you have been the victim of family violence, or if at any time you feel unsafe, get help by calling the:

**National Domestic Violence Hotline** at 800-799-SAFE (7233) or

**Texas Advocacy Project Hope Line** at 800-374-HOPE (4673) or

**Advocates for Victims of Crime (AVOICE):** at 888-343-4414.

**Automated Certificate of eService**

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

Envelope ID: 98573077

Filing Code Description: Petition

Filing Description: ORIGINAL PETITION FOR SAPCR

Status as of 3/19/2025 11:21 AM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/18/2025 10:42:43 AM	NOT SENT
COOPER LCARTER		COOPERCARTER@MAJADMIN.COM	3/18/2025 10:42:43 AM	NOT SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/18/2025 10:42:43 AM	NOT SENT