

DATE: 05/27/2024
SUBJECT: MANDAMUS #5
TO: THE HONORABLE CLERK OF THE SUPREME COURT OF TEXAS
PREPARED BY: CHARLES DUSTIN MYERS
TRIAL COURT: 322-744263-23
RELATED CAUSES: 25-0361, 25-0367, 25-0378, 25-0426

COVER LETTER

TO THE HONORABLE CLERK OF THE SUPREME COURT OF TEXAS:

The undersigned, Charles Dustin Myers, respectfully submits this cover letter alongside the Petition for Writ of Mandamus enclosed in this envelope, and for the forthcoming reasons, request that it be docketed as an original proceeding. He understands that the filing was rejected, but wanted to respectfully reiterate why it was first presented before this Court.

SUMMARY

The Supreme Court of Texas will accept a mandamus petition directly, without first requiring relief from the court of appeals, in five primary circumstances: when compelling a state officer to perform duties (except against the governor), when necessary to enforce its jurisdiction, when involving extraordinary importance to state jurisprudence, when a court of appeals commits a clear abuse of discretion, or when there is manifest and urgent necessity with no adequate appellate remedy. Here, three of five primary circumstances are met.

APPLICABLE PRIMARY CIRCUMSTANCES

First, this matter and the concurrent related matters involve extraordinary importance to the State's jurisprudence. Concurrently before this Court are four related Mandamus petitions. The issues presented involve a common thread of due process. The interdependent issues involve the issuance of invalid orders in excess of statutory authority ([25-0361](#)), the refusal to perform a ministerial act ([25-0367](#)), the improper consolidation of a contested motion in violation of local rules ([25-0378](#)), the refusal to comply with Rule 18a of the Texas Rules of Civil Procedure ([25-0426](#)), and the erroneous summary denial of two recusal motions, one of which was never filed. (current) These issues reveal a pattern of error that directly implicates the integrity of the Texas Judicial System spanning across multiple areas of law, including the recusal process.

Second, the mandamus attached to this envelope is necessary to be first presented to this Court to enforce its jurisdiction. This authority stems directly from the Texas Constitution, which empowers the Supreme Court to "issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction." Tex. Const. art. 5 § 3. Mandamus petition [25-0426](#) was directly submitted to this court on May 19, 2025, and the instant Petition is directly related and if the current petition is not properly considered in conjunction with it, the risk of mootness remains high.

Third, the matters before this Court will remain a manifest and urgent necessity with no adequate appellate remedy as clearly indicated by the compounding errors in both administrative proceedings and trial court proceedings. An emergency stay will provide for the best temporary solution, as it will resolve the core issues, prompt a response if any of the Respondent judges below have issue with the stay, or prompt a response from the opposing party who has remained silent on all the issues.

As established in *In re State*, 355 S.W.3d 611 , the Texas Supreme Court may exercise its mandamus jurisdiction to prevent "enormous waste of judicial and public resources" and to ensure consistent and efficient adjudication of related matters. Here, that is precisely what is occurring. The Relator's property interests and the liberty interests to his children have been divested from him without the proper procedural protections, and the time wasted to first file with the Second Court of Appeals to inevitably receive additional *per curiam* denials in addition to the nine they have already issued would be inefficient.

Finally, by first presenting this Mandamus to the Second Court of Appeals, the risk of further error remains high in the trial court, and the substantial right to a fair and impartial tribunal could be permanently lost if not adjudicated with the other pending matters before this Court.

CONCLUSION

The four, potentially five petitions before this Honorable Court are not mere disagreements with rulings, or emotional appeals. They are interrelated issues that highlight a systemic failure to uphold Texas procedural requirements. Each petition highlights an independent error that was made in the broader context of cause number 322-744263-23. The urgency of a stay cannot be overstated to prevent future error.

This cover letter is not an attempt to undermine this Court's authority. If the Court believes that the Relator should first present this matter to the Second Court of Appeals despite the four related petitions already before this Court, he will do so. This cover letter was an attempt to clarify the issues, and an attempt to explain to the Court the significance of these matters.

If any further information is needed, please don't refrain from reaching out at the contact information provided below.

Respectfully submitted,

/s/ *Charles Dustin Myers*
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