

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 233rd Judicial District Court of Tarrant
County, Texas

Cause Number 233-765358-25

Hon. Associate Judge Kate Stone Presiding

SUPPLEMENTAL

MANDAMUS RECORD

Respectfully submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
6641 Anne Court
Watauga, Texas 76148

AFFIDAVIT VERIFYING SUPPLEMENTAL MANDAMUS RECORD

SUPP#	DATE
SUPP1 Reasons given for rejection of exhibits.....	04/09/2025
SUPP2 Notice of Inclusion and Rejected Exhibits.....	04/09/2025
2.1 Notice of inclusion.....	04/09/2025
2.3 Exhibit 1 Initial SAPCR communications	03.24.2025
2.7 Exhibit 2 Communications regarding TRO presentation	03.26.2025
2.13 Exhibit 3 Rejection of exhibits for emergency TRO	03.25.2025
2.16 Exhibit 3 Rejection of exhibits for Petitioner's Statement	04.01.2025
2.17 Exhibit 4 Undue influence by opposing counsel	03.27.2025
2.24 Exhibit 4 Relator provides hearing dates	03.28.2025
2.26 Exhibit 5 Ord setting hearing by COORDINATOR	03.28.2025
SUPP3 Rejected Exhibits – Petitioner's Statement	04.01.2025
3.2 Motion for DWOP (322 nd)	01.24.2025

BRIEF EXPLANATIONS PURSUANT TO TRAP 52.7(c)(2)

SUPP 1: The clerk's reasons for rejecting the exhibits were arbitrary.

SUPP 2.1: The notice of inclusion rejected for including exhibits.

SUPP 2.3: An exhibit showing the communication between Relator and court staff.

SUPP 2.7: An exhibit showing the communications regarding the TRO presentation.

SUPP 2.13: Receipt of rejected filing and judge's request to remove exhibits (EMERGENCY TRO).

SUPP 2.16: Receipt of rejected filing and judge's request to remove exhibits (PETITIONER'S STATEMENT).

SUPP 2.17: Exhibit shows that the opposing party has been provided with all relevant materials related to the TRO and this mandamus.

SUPP 2.24: Exhibit shows that hearing dates were provided and offered to the opposing party.

SUPP 2.26: Exhibit shows that the coordinator set the matter for hearing for April 10th, 2025, agreed to by the opposing counsel.

SUPP 3: Rejected exhibits from the Petitioner's statement filed after the court refused to hear his motion.

SUPP 3.2: Exhibit shows a DWOP has already been filed in the 322nd and remains unopposed and un-responded to.

STATE OF TEXAS COUNTY OF TARRANT

**AFFIDAVIT AUTHENTICATING SUPPLEMENTAL MANDAMUS
RECORD**

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

1. My name is **Charles Dustin Myers**. I am the Relator in the above-captioned proceeding and am competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.
2. This affidavit is submitted in support of the **Supplemental Mandamus Record**, filed pursuant to **Texas Rules of Appellate Procedure 52.7(b) and 52.7(c)**.
3. The documents contained in the Supplemental Record were not included in the trial court's clerk's record due to refusal by the clerk's office to accept exhibits. These documents are material to the relief sought in the Petition for Writ of Mandamus and a copy of this supplemental mandamus has been provided to the opposing party.

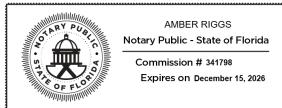
4. Each document in the Supplemental Mandamus Record is a **true and correct copy** of the original in my possession, created or received during the underlying proceedings.

FURTHER AFFIANT SAYETH NOT.

Charles Dustin Myers

Charles Dustin Myers

Relator



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

Personally Known OR Produced Identification

Type of Identification Produced DRIVER LICENSE

Notarized remotely online using communication technology via Proof.

SUPPLEMENTAL MANDAMUS RECORD

SUPP 1

**REASONS GIVEN FOR
REJECTION FROM CLERK
04.09.2025**



FUDSTOP <chuckdustin12@gmail.com>

Envelope rejection (99405680) for CAUSE# 233-765358-25

2 messages

FUDSTOP <chuckdustin12@gmail.com>

To: tcdc233@tarrantcountytx.gov

Wed, Apr 9, 2025 at 12:41 PM

Hello,

I've been submitting exhibits to multiple courts now, and have never been rejected and told to specifically remove exhibits until now.

This is regarding envelope number 99405680.

I'm reaching out as directed by the refusal request:

Please resubmit without the attached exhibits.

For more information about the return of this envelope please contact the court coordinator Angie Wierzbicki by phone at (817)884-2686 or by email at ADWierzbicki@tarrantcountytx.gov.

To maintain the original file date, you must copy the original filing envelope, make the corrections, and resubmit the filing with the original file date within 72 hours. Thank you, Catherine Saenz 817-884-1581
tcdc233@tarrantcountytx.gov

Could you provide the justification for this?

Respectfully,

Charles D. Myers
817-546-3693

DC - External 233 <TCDC233@tarrantcountytx.gov>

Wed, Apr 9, 2025 at 1:10 PM

To: FUDSTOP <chuckdustin12@gmail.com>, "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>

Cc: DC - External 233 <TCDC233@tarrantcountytx.gov>

Good afternoon,

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.

I have added Angie onto this email for your convenience.

Thank you,

SUPP 1.1

Catherine Saenz

233rd Administrative Clerk

Tarrant County District Clerk

Family Law Center

[200 E. Weatherford Street, 3rd floor](#)

[Fort Worth, TX 76196](#)

817-884-1581

tcdc233@tarrantcountytx.gov



From: FUDSTOP <chuckdustin12@gmail.com>
Sent: Wednesday, April 9, 2025 12:42 PM
To: DC - External 233 <TCDC233@tarrantcountytx.gov>
Subject: Envelope rejection (99405680) for CAUSE# 233-765358-25

You don't often get email from chuckdustin12@gmail.com. Learn why this is important

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

SUPP 1.2

SUPPLEMENTAL MANDAMUS RECORD

SUPP 2

**NOTICE OF
INCLUSION**

AND REJECTED

EXHIBITS

FILED 04/08/2025

REJECTED 04/09/2025

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN RE: M.E.M., ET AL.
****CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

NOTICE OF INCLUSION

2025-04-08

TO THE HONORABLE COURT:

Petitioner, CHARLES DUSTIN MYERS, submits this NOTICE OF INCLUSION for the purpose of including communications from the court regarding the court's refusal to hear the TRO so he may properly pursue Mandamus relief in the Second Court of Appeals.

Attached to this notice, the following exhibits are provided:

1. EXHIBIT 1 – Communications regarding the SAPCR.
2. EXHIBIT 2 – Communications with Court Coordinator and the opposing counsel regarding the TRO setting agreed on.
3. EXHIBIT 3 – The rejection of exhibits from the clerk's office when initially filing the TRO.
4. EXHIBIT 4 – The communications with opposing counsel regarding evidence intended to be presented at the hearing on March 28, 2025, which was interrupted unjustly.
5. EXHIBIT 5 -The hearing date set and filled in by the Court Coordinator.

The above information is relevant to the mandamus proceedings and is already in the possession of the opposing party.

Petitioner will be filing Mandamus on 04/09/2025 at approximately 8:00 A.M. CST if no order is served regarding the emergency TRO which this court refused to hear on March 28, 2025.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 ANNE COURT
WATAUGA, TEXAS 76148
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

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

A copy of this NOTICE has been provided to COOPER L. CARTER through her email COOPERCARTER@MAJADMIN.COM

Served on: 04/08/2025

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM
PRO-SE

EXHIBIT 1

INITIAL COMMUNICATIONS - SAPCR

03.24.2025



FUDSTOP <chuckdustin12@gmail.com>

RE ITIO MYERS CHILDREN, CAUSE NO. 233-765358-25 CL-12105

3 messages

Cooper Carter <cooper.carter@majadmin.com>
To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Mon, Mar 24, 2025 at 10:03 AM

Good Morning,

Opposing party is a pro se Petitioner in the above referenced case. He has filed a SAPCR petition regarding this matter. There is a current pending divorce case that encompasses issues regarding children. Our office has filed an Answer as well as a Motion to Consolidate and proposed order in this case to consolidate this SAPCR into the pending divorce proceeding in the 322nd.

Could you please provide dates and times that the Court is available to hear my motion?

Opposing party has been cc-ed to this e-mail for convenience.

Thank you,

Cooper L. Carter

Attorney at Law

Marx, Altman & Johnson

2905 Lackland Road

Fort Worth, Texas 76116

Tel: (817) 926-6211

Fax: (817) 926-6188

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.

SUPP 2.4

Angie D. Wierzbicki <ADWierzbicki@tarrantcountytexas.gov>
To: Cooper Carter <cooper.carter@majadmin.com>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Mon, Mar 24, 2025 at 10:08 AM

Good morning,

The Motion to Consolidate just needs to be filed in the 322nd Divorce case and sent to their Judge to sign; no hearing necessary, it's a mandatory consolidation.

Thank you,

Angie D. Wierzbicki

Court Coordinator

233rd Judicial District Court

(817) 884-2686

Tarrant County Family Law Center

200 E. Weatherford St., 5th Floor

Ft. Worth, TX 76196



*****PLEASE NOTE: YOU MUST PROVIDE LOCAL COURT RULE DOCUMENTS IF YOU ARE SET FOR A HEARING IN EITHER COURT. FAILURE TO PROVIDE LOCAL COURT RULE DOCUMENTS COULD RESULT IN THE RESET OF YOUR CASE*****

YOU MUST INCLUDE EVERYONE ON YOUR EMAIL COMMUNICATION. IF YOU FAIL TO INCLUDE OPPOSING COUNSEL OR SELF REPRESENTED LITIGANTS, I

SUPP 2.5

WILL NOT RESPOND.

From: Cooper Carter <coopercarter@majadmin.com>
Sent: Monday, March 24, 2025 10:03 AM
To: Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
Cc: 'Charlie Vids' <chuckdustin12@gmail.com>
Subject: RE ITIO MYERS CHILDREN, CAUSE NO. 233-765358-25 CL-12105

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>
Cc: Cooper Carter <coopercarter@majadmin.com>

Mon, Mar 24, 2025 at 10:15 AM

Ms. Wierzbicki, Mr. Carter,

Thank you for the update. However, I must respectfully object to the assertion that this is a mandatory consolidation.

Under Texas Rule of Civil Procedure 174(a), consolidation is discretionary and not automatic where doing so would cause delay, injustice, or prejudice to a party. Additionally, the Texas Supreme Court in *Curtis v. Gibbs*, 511 S.W.2d 263 (Tex. 1974) expressly carved out exceptions to dominant jurisdiction where:

The original case was filed in bad faith,

The case isn't been prosecuted;

Equity and justice require an independent forum.

All three conditions are present here. The SAPCR was filed in good faith after the 322nd case became procedurally stalled and legally defective—with no Notice of Remand, no evidentiary rulings on the children, and pending dispositive motions including unopposed requests for dismissal.

It would be prejudicial to the children to consolidate a case that had no ability to proceed.

Thank you.

Respectfully,
Charles Dustin Myers
Pro Se Petitioner

[Quoted text hidden]

SUPP 2.6

EXHIBIT 2

COMMUNICATIONS REGARDING TRO PRESENTATION

03.26.2025

SUPP 2.7



FUDSTOP <chuckdustin12@gmail.com>

CAUSE# 233-765358-25 EX-PARTE TRO

5 messages

FUDSTOP <chuckdustin12@gmail.com>
To: FLCCoordinator@tarrantcountytx.gov

Wed, Mar 26, 2025 at 5:48 PM

Hello,

This is Charles Dustin Myers, Petitioner in the above captioned cause, and I received an automated reply deferring me to this email when originally reaching out to the Honorable Coordinator.

The original email's purpose was to inform the Honorable Coordinator that I had just received notification through the EFM that the emergency ex-parte TRO had been accepted by the court.

I am following up to inquire about the status of the request.

I thank you for your attention to this urgent matter, and I will wait for further directive from the court to proceed accordingly.

As mentioned in the motion, the Respondent in this matter and her counsel of record have been duly notified of the relief being sought and the motion itself, but have not responded to any attempts to communicate regarding this urgent matter.

Thank you and have a wonderful evening.

Respectfully,

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

Tegan B. Allison <TBAllison@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 8:45 AM

This order needs to be presented in person. Likewise, you need to inform opposing counsel of the date and time you intend to present this order to the court.

Thank you,

Tegan Allison

Auxiliary Court Coordinator

Tarrant County Family Law Center

Phone: (817)884-1614

[200 E Weatherford](#)

[Fort Worth, TX 76196](#)

TBAllison@tarrantcountytx.gov

SUPP 2.8



From: FUDSTOP <chuckdustin12@gmail.com>
Sent: Wednesday, March 26, 2025 5:49 PM
To: Courts - FLC Coordinator <FLCCoordinator@tarrantcountytx.gov>
Subject: CAUSE# 233-765358-25 EX-PARTE TRO

You don't often get email from chuckdustin12@gmail.com. Learn why this is important

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Tegan B. Allison" <TBAllison@tarrantcountytx.gov>

Thu, Mar 27, 2025 at 8:59 AM

Ms. Allison,

Thank you for the update.

Is there a time available tomorrow to come and present the order? Preferably between 9am and 2pm?

I have informed the opposing party of the intent to present the order and will provide the time and date upon determination of the court's availability.

Thank you for your assistance.

Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693

[Quoted text hidden]



image001.jpg
6K

Tegan B. Allison <TBAllison@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 9:05 AM

You may present the order during that time. Please keep in mind that the court will be closed from 12pm-1:30pm for lunch and administrative tasks.

Thank you,

SUPP 2.9

Tegan Allison

Auxiliary Court Coordinator

Tarrant County Family Law Center

Phone: (817)884-1614

200 E Weatherford

Fort Worth, TX 76196

TBAllison@tarrantcountytx.gov



From: FUDSTOP <chuckdustin12@gmail.com>
Sent: Thursday, March 27, 2025 9:00 AM
To: Tegan B. Allison <TBAllison@tarrantcountytx.gov>
Subject: Re: CAUSE# 233-765358-25 EX-PARTE TRO

EXTERNAL EMAIL ALERT! Think Before You Click!

Ms. Allison,

Thank you for the update.

Is there a time available tomorrow to come and present the order? Preferably between 9am and 2pm?

I have informed the opposing party of the intent to present the order and will provide the time and date upon determination of the court's availability.

Thank you for your assistance.

Charles Dustin Myers

Chuckdustin12@gmail.com

SUPP 2.10

817-546-3693

On Thu, Mar 27, 2025, 8:45 AM Tegan B. Allison <TBAllison@tarrantcountytx.gov> wrote:

This order needs to be presented in person. Likewise, you need to inform opposing counsel of the date and time you intend to present this order to the court.

Thank you,

Tegan Allison

Auxiliary Court Coordinator

Tarrant County Family Law Center

Phone: (817)884-1614

200 E Weatherford

Fort Worth, TX 76196

TBAllison@tarrantcountytx.gov

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Tegan B. Allison" <TBAllison@tarrantcountytx.gov>

Thu, Mar 27, 2025 at 9:19 AM

Ms. Allison,

Thank you very much.

I have informed opposing counsel that I intend to present the TRO tomorrow at 9:00 AM, the relief being sought, and if anything changes I will inform the court and likewise the opposing party.

Have a wonderful day.

Respectfully,

Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693

[Quoted text hidden]

4 attachments

SUPP 2.11

~WRD0000.jpg

1K



image001.jpg

6K



image001.jpg

6K

~WRD0000.jpg

1K

SUPP 2.12

EXHIBIT 3

**REJECTION OF EXHIBITS
FOR EMERGENCY TRO**

03.25.2025



FUDSTOP <chuckdustin12@gmail.com>

Notification of Returned Service for Case: 233-765358-25, INRE: M.E.M. ET AL VS. for filing Request

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>
 To: chuckdustin12@gmail.com

Tue, Mar 25, 2025 at 2:01 PM



Filing Returned

Case Number: 233-765358-25
 Case Style: INRE: M.E.M. ET AL VS.

The filing below, previously served to you, has been returned to the filer for further action.

Return Reason(s) from Clerk's Office	
Returned Reason	Judge's Request
Return Comments	<p>Please resubmit without the exhibits attached to the motion for tro. Please resubmit without pages 25-64 on the motion for tro. For more information about the return of this envelope please contact the court coordinator Angie Wierzbicki by phone at (817)884-2686 or by email at ADWierzbicki@tarrantcountytexas.gov. To maintain the original file date, you must copy the original filing envelope, make the corrections, and resubmit the filing with the original file date within 72 hours. Thank you, Catherine Saenz 817-884-1581 tcdc233@tarrantcountytexas.gov</p>

Document Details	
Court	Tarrant County - District Family
Case Number	233-765358-25
Case Style	INRE: M.E.M. ET AL VS.
Date/Time Submitted	3/24/2025 4:42 PM CST
Activity Requested	Request
Filed By	CHARLES MYERS

Please do not reply to this email. It was automatically generated.

For technical assistance, contact your service provider



Need Help? [Help](#)
 Visit: <https://efiletexas.gov/contacts.htm>
 Email: support@EfileTexas.gov

Please do not reply to this email. It was automatically generated.

For technical assistance, contact your service provider

SUPP 2.14



Need Help? [Help](#)
Visit: <https://efiletexas.gov/contacts.htm>
Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.

SUPP 2.15



FUDSTOP <chuckdustin12@gmail.com>

Filing Returned for Envelope Number: 99055352 in Case: 233-765358-25, INRE: M.E.M. ET AL VS. for filing Notice

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>
 To: CHUCKDUSTIN12@gmail.com

Tue, Apr 1, 2025 at 10:51 AM



Filing Returned

Envelope Number: 99055352
 Case Number: 233-765358-25
 Case Style: INRE: M.E.M. ET AL VS.

The filing has been reviewed and returned for correction. **Please refile with the corrections indicated below.** For instructions on how to retain your original file stamp date, consult with your electronic filing service provider or the clerk's office. An electronically filed document is deemed filed when delivered to the electronic filing service provider, unless it is filed on a Saturday, Sunday, or legal holiday (in which case it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday)—or the document requires a motion and an order permitting the document to be filed.

Return Reason(s) from Clerk's Office	
Court	Tarrant County - District Family
Returned Reason	Judge's Request
Returned Comments	<p style="color: red;">Please resubmit without the attached exhibits. For more information about the return of this envelope please contact the court coordinator Angie Wierzbicki by phone at (817)884-2686 or by email at ADWierzbicki@tarrantcountytexas.gov.</p> <p style="color: red;">To maintain the original file date, you must copy the original filing envelope, make the corrections, and resubmit the filing with the original file date within 72 hours.</p> <p style="color: red;">Thank you, Catherine Saenz 817-884-1581 tcdc233@tarrantcountytexas.gov</p>

To learn how to copy the rejected filing so that you can make changes to refile, [click here](#)

Document Details	
Case Number	233-765358-25
Case Style	INRE: M.E.M. ET AL VS.
Date/Time Submitted	3/31/2025 7:54 AM CST
Filing Type	Notice
Filing Description	Petitioner's Statement
Activity Requested	EFileAndServe
Filed By	CHARLES MYERS
Filing Attorney	

SUPPLEMENTAL MANDAMUS RECORD

EXHIBIT 4

**SERVICE OF TRO TO
OPPOSING COUNSEL /
UNDUE INFLUENCE**

03.27.2025



FUDSTOP <chuckdustin12@gmail.com>

TRO + Exhibits + Proposed Order

1 message

FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 5:54 PM

To: Cooper Carter <coopercarter@majadmin.com>, Morgan Myers <morganmw02@gmail.com>

Attached for your reference is the TRO, proposed order, and exhibits.

Respectfully,

Charles Dustin Myers
6641 Anne Ct, Watauga, TX 76148
817-546-3693
chuckdustin12@gmail.com

3 attachments

- [emergency_motion_formatted \(3\) \(2\).pdf](#)
273K
- [PROPOSED ORDER \(2\).pdf](#)
185K
- [EXHIBITS - TRO.pdf](#)
8784K



FUDSTOP <chuckdustin12@gmail.com>

ITIO MORGAN CHILDREN, CAUSE NO. 233-765358-25 CL-12105

6 messages

Cooper Carter <cooper.carter@majadmin.com>
To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 6:20 PM

Good Evening,

I have received communication from opposing party who is pro se that he will be walking through an Emergency TRO. Our office has a hearing scheduled for tomorrow morning in Parker County and is unable to attend. However, I will be available by cell phone regarding this matter if the Judge would like to speak to me regarding the Emergency TRO. Please contact our office to patch me in for any calls that Judge would like to have.

Additionally, this case already is pending in the 322nd for a divorce proceeding regarding property and children matters. We will be consolidating the case and walking it through the 322nd for signature next week.

Thank you,

Cooper L. Carter

Attorney at Law

Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.

SUPP 2.19

FUDSTOP <chuckdustin12@gmail.com>
To: Cooper Carter <cooper.carter@majadmin.com>

Thu, Mar 27, 2025 at 7:03 PM

Court staff,

Ms. Carter's recent correspondence is improper for several reasons, and appears to be an attempt to delay or interfere with proceedings in which she has otherwise failed to meaningfully participate in. The following reasons support this statement:

1. An objection to consolidation is already on file and remains unopposed. It cites controlling Texas precedent. Any suggestion that consolidation is agreed upon or inevitable is misleading. Instead, she should properly file with the court why the consolidation is improper or at the very least argue against Petitioner's position.
2. Ms. Carter has not fulfilled her obligation under Texas Rule of Civil Procedure 237a to file a Notice of Remand. Until she does, she is prohibited from proceeding or filing anything in the 322nd District Court as they currently do not have jurisdiction over this matter until this obligation is fulfilled.
3. Her authority to represent the Respondent remains under challenge pursuant to a Rule 12 motion filed September 20, 2024. No hearing has been held, no written statement of authority has been filed, and no ruling has been made. Until resolved, Rule 12 bars her from participating in either proceeding.
4. Ms. Carter has not prosecuted the case in the 322nd District Court in over eight months. This inaction has prejudiced the Petitioner and delayed resolution of urgent matters affecting the children.
5. She has failed to file any objections, responsive pleadings, or legal arguments opposing the relief requested—including the Emergency TRO now pending.
6. Rather than reaching out to Petitioner to resolve any scheduling conflict, Ms. Carter improperly attempted to influence the court by email. This violates the spirit of cooperation required by the rules, particularly where her participation is procedurally barred.
7. Ms. Carter's conduct appears designed to delay relief and subvert the best interest of the children, despite her failure to oppose the requested relief in any meaningful way.
8. She has been provided with full notice of the Emergency TRO, the proposed order, supporting exhibits, and the time and location of presentment. She has no legal basis to subvert Petitioner's due process rights.

In summary, Ms. Carter has not provided anything of substance in either Court, has not prosecuted the case, has not argued on behalf of her client, or followed proper procedure.

Simply labeling the opposition as pro se and claiming that the consolidation will be filed without disclosing the above facts is dishonest and should not be permitted as it will only cause further unnecessary delays to the relief being sought without any substance being provided.

Again, all of these points have been argued in both courts, and it is her duty as counsel to handle these matters in accordance with Texas Law.

These matters should be handled between the parties - not attempt to influence court staff after hours.

The reason we are here in the first place is due to the above unanswered facts. Ms. Carter has had ample time to file an objection, response, or counter argument, but has chosen not to do so.

It would've been far more appropriate for Ms. Carter to have reached out to me directly to discuss scheduling conflicts.

Prior to the latest email, there was no indication Ms. Carter intended to participate at all despite being provided with all relevant materials.

SUPP 2.20

The court should disregard this email correspondence in its entirety for the reasons stated herein as it is highly prejudicial to Petitioner and the children.

Pro se litigants are expected to follow the rules of procedure to the same extent licensed attorneys are.

This email chain should be disregarded in its entirety.

Have a good evening.

Respectfully,
Charles Dustin Myers
Petitioner, Pro Se
[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 7:07 PM

To: Cooper Carter <cooper.carter@majadmin.com>, "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytexas.gov>

Court staff,

Ms. Carter's recent correspondence is improper for several reasons, and appears to be an attempt to delay or interfere with proceedings in which she has otherwise failed to meaningfully participate in. The following reasons support this statement:

1. An objection to consolidation is already on file and remains unopposed. It cites controlling Texas precedent. Any suggestion that consolidation is agreed upon or inevitable is misleading. Instead, she should properly file with the court why the consolidation is improper or at the very least argue against Petitioner's position.
2. Ms. Carter has not fulfilled her obligation under Texas Rule of Civil Procedure 237a to file a Notice of Remand. Until she does, she is prohibited from proceeding or filing anything in the 322nd District Court as they currently do not have jurisdiction over this matter until this obligation is fulfilled.
3. Her authority to represent the Respondent remains under challenge pursuant to a Rule 12 motion filed September 20, 2024. No hearing has been held, no written statement of authority has been filed, and no ruling has been made. Until resolved, Rule 12 bars her from participating in either proceeding.
4. Ms. Carter has not prosecuted the case in the 322nd District Court in over eight months. This inaction has prejudiced the Petitioner and delayed resolution of urgent matters affecting the children.
5. She has failed to file any objections, responsive pleadings, or legal arguments opposing the relief requested—including the Emergency TRO now pending.
6. Rather than reaching out to Petitioner to resolve any scheduling conflict, Ms. Carter improperly attempted to influence the court by email. This violates the spirit of cooperation required by the rules, particularly where her participation is procedurally barred.
7. Ms. Carter's conduct appears designed to delay relief and subvert the best interest of the children, despite her failure to oppose the requested relief in any meaningful way.
8. She has been provided with full notice of the Emergency TRO, the proposed order, supporting exhibits, and the time and location of presentment. She has no legal basis to subvert Petitioner's due process rights.

In summary, Ms. Carter has not provided anything of substance in either Court, has not prosecuted the case, has not argued on behalf of her client, or followed proper procedure.

Simply labeling the opposition as pro se and claiming that the consolidation will be filed without disclosing the above facts is dishonest and should not be permitted as it will only cause further unnecessary delays to the relief being sought without any substance being provided.

SUPP 2.21

Again, all of these points have been argued in both courts, and it is her duty as counsel to handle these matters in accordance with Texas Law.

These matters should be handled between the parties - not attempt to influence court staff after hours.

The reason we are here in the first place is due to the above unanswered facts. Ms. Carter has had ample time to file an objection, response, or counter argument, but has chosen not to do so.

It would've been far more appropriate for Ms. Carter to have reached out to me directly to discuss scheduling conflicts.

Prior to the latest email, there was no indication Ms. Carter intended to participate at all despite being provided with all relevant materials.

The court should disregard this email correspondence in its entirety for the reasons stated herein as it is highly prejudicial to Petitioner and the children.

Pro se litigants are expected to follow the rules of procedure to the same extent licensed attorneys are.

This email chain should be disregarded in its entirety.

Have a good evening.

Respectfully,
Charles Dustin Myers
Petitioner, Pro Se

[Quoted text hidden]

Angie D. Wierzbicki <ADWierzbicki@tarrantcountytexas.gov>
To: Cooper Carter <cooper.carter@majadmin.com>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Fri, Mar 28, 2025 at 9:15 AM

Good morning,

Mr. Myers appeared before me to schedule the hearing for the TRO; my apologies I did not realize this was that same case. We can go ahead and set the TRO with us, but most likely the case will be transferred prior to the hearing date and the case needs to be transferred prior to that date.

Mr. Myers will be emailing with dates available for the hearing.

Thank you,

Angie D. Wierzbicki

Court Coordinator

233rd Judicial District Court

(817) 884-2686

Tarrant County Family Law Center

200 E. Weatherford St., 5th Floor

Ft. Worth, TX 76196

SUPP 2.22



*****PLEASE NOTE: YOU MUST PROVIDE LOCAL COURT RULE DOCUMENTS IF YOU ARE SET FOR A HEARING IN EITHER COURT. FAILURE TO PROVIDE LOCAL COURT RULE DOCUMENTS COULD RESULT IN THE RESET OF YOUR CASE*****

YOU MUST INCLUDE EVERYONE ON YOUR EMAIL COMMUNICATION. IF YOU FAIL TO INCLUDE OPPOSING COUNSEL OR SELF REPRESENTED LITIGANTS, I WILL NOT RESPOND.

From: Cooper Carter <cooper.carter@majadmin.com>
Sent: Thursday, March 27, 2025 6:20 PM
To: Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
Cc: 'Charlie Vids' <chuckdustin12@gmail.com>
Subject: ITIO MORGAN CHILDREN, CAUSE NO. 233-765358-25 CL-12105

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
To: Cooper Carter <cooper.carter@majadmin.com>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Fri, Mar 28, 2025 at 9:19 AM

Additionally, since there is an objection to the consolidation, y'all will need to reach out to request how to proceed with the 322nd as I am unsure of their procedures.

Thank you,

Angie D. Wierzbicki

SUPP 2.23

Court Coordinator**233rd Judicial District Court****(817) 884-2686**

Tarrant County Family Law Center

200 E. Weatherford St., 5th Floor

Ft. Worth, TX 76196



*****PLEASE NOTE: YOU MUST PROVIDE LOCAL COURT RULE DOCUMENTS IF YOU ARE SET FOR A HEARING IN EITHER COURT. FAILURE TO PROVIDE LOCAL COURT RULE DOCUMENTS COULD RESULT IN THE RESET OF YOUR CASE*****

YOU MUST INCLUDE EVERYONE ON YOUR EMAIL COMMUNICATION. IF YOU FAIL TO INCLUDE OPPOSING COUNSEL OR SELF REPRESENTED LITIGANTS, I WILL NOT RESPOND.

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytexas.gov>
Cc: Cooper Carter <coopercarter@majadmin.com>

Fri, Mar 28, 2025 at 9:59 AM

Hello all,

Sorry for the delay. I had to hunt down wifi.

Available dates are:

04/10/25 at 930 AM

04/09/25 at 130 PM

04/08/25 at 930 AM

04/07/25 at 130 PM

Thank you.

SUPP 2.24

Any of these dates work for me.

Respectfully,

Charles Myers
8175463693

[Quoted text hidden]



image001.png
120K

EXHIBIT 5

Order setting hearing for April
10, 2025 -initialed by COURT
COORDINATOR

03.28.2025

4. The requirement of a bond is waived. See Texas Family Code 105.001(d).

Order to Appear

IT IS ORDERED that Petitioner's application for temporary injunction and temporary orders be scheduled for a hearing at the earliest possible date and that the Clerk of this Court issue notice to Respondent to appear in person before this Court at the following date, time, and place (as required by Texas Rule of Civil Procedure 680):

Date: April 10, 2025

Time: 9:30 Am

AM

Address: 233rd Associate Court, 5th Floor
700 S. Weatherford St., Ft. Worth, TX 76104

The purpose of the hearing is to determine whether the Court should order the following temporary relief while this case is pending:

- Convert the preceding temporary restraining order into a temporary injunction.
- Enter temporary orders for the safety and welfare of the child(ren), including but not limited to conservatorship, possession and access.
- Enter any other orders that are necessary for the safety and welfare of the child(ren).

SIGNED on _____, 20_____, at _____ m.

PRESIDING JUDGE

SUPPLEMENTAL MANDAMUS RECORD

SUPP 3

**REJECTED EXHIBITS - PETITIONER'S
STATEMENT**

04.01.2025

EXHIBIT 2

MOTION FOR DWOP (322ND)

01.24.25

NO. 322-744263-23 & NO. 322-744538-23

ITMOMO Morgan Michelle Myers v Charles Dustin Myers

MOTION TO DISMISS

FOR WANT OF PROSECUTION

In the 322nd District Court of Tarrant County, Texas

Honorable Judges:

James B. Munford, Jeff Kaitcer

200 E. Weatherford St. 4th Floor
Fort Worth, TX
Tel.: (817) 884-1427

Respectfully submitted by:

Charles Dustin Myers, Respondent

SUMMARY

Respondent, CHARLES DUSTIN MYERS, respectfully submits this Motion to Dismiss for Want of Prosecution and in support thereof states as follows:

1. The Supreme Court of Texas, through its promulgated time standards, provides clear guidelines for the timely disposition of cases, including dissolution of marriage.
2. The proposed time standards are based on national studies, including those conducted by the ABA and the NCSC, which establish a 12-month maximum time frame for divorce cases as achievable and reasonable, with intermediate standards for temporary orders, responsive pleadings, and trials.
3. In this case, the time standards have been exceeded, with no substantial progress toward resolution or final disposition.
4. Rule 165a (2) of the Texas Rules of Civil Procedure permits the dismissal of cases that are not disposed of within the prescribed time standards, ensuring the proper administration of justice and preventing undue delays caused by party inaction.

FACTS SUPPORTING DISMISSAL

5. Notwithstanding the above, the Petitioner's Original Petition for Divorce in this matter and all subsequent pleadings submitted to the court bearing her signature should be stricken from the record because they are fundamentally fraudulent, and given the circumstances of the case, the Petitioner cannot prevail at trial, and granting a divorce under the current circumstances would prove detrimental to the Respondent, and the children.
6. The Petitioner's submissions include an affidavit of inability to pay, an original divorce petition, and a protective order. These documents were leveraged to secure the current

temporary orders which claim to be agreed despite lacking the Respondent's signature and were prepared by an attorney not authorized to represent the Petitioner.

7. The Respondent has raised claims of fraud, perjury, deception, and child neglect against the Petitioner, and her counsel has failed to address, defend, or file any response regarding these claims.
8. The Respondent has submitted discovery and admissions which have not been responded to by the opposing party, and despite filing a motion to compel discovery, no action has been taken by the court.
9. The opposing counsel's authority has been under challenge pursuant to Rule 12 of the Texas Rules of Civil Procedure since September 20th, 2024, yet she was permitted to attend the recusal hearing and raise objections despite no indication of her position on the motion prior to the hearing.
10. The opposing counsel is unable to file anything on her client's behalf in this matter because her electronic filing manager account is registered under her former employer's email.
11. The opposing counsel has not filed any documents on her client's behalf in this matter but has rather had individuals unrelated to the case file documents for her on her behalf.
12. The opposing counsel is unable to file the required notice of remand with the clerk of the court, and the case is unable to proceed given these circumstances.

FURTHER STATUTORY PROVISIONS WARRANTING DISMISSAL

Respondent, CHARLES DUSTIN MYERS, asserts that the Petitioner has violated **Sec.**

12.002 of the Texas Civil Practice and Remedies Code. Specifically:

13. Petitioner knowingly made and presented fraudulent claims to the Court regarding Respondent's property, with the intent to deprive him of his interest in his home, a property essential for his ability to work and provide for the children.
14. Petitioner acted with the intent that these false claims be given the same legal effect as valid court orders, misleading the Court and causing Respondent to be wrongfully deprived of his home and livelihood.
15. The Respondent, as the person directly affected by this fraudulent conduct, reserves the right to bring a cause of action under **Sec. 12.003(a)(8)** as an equal owner to the community property impacted by the Petitioner's fraudulent claims.
16. Petitioner's actions have caused significant harm, including:
 1. **Financial injury** resulting from the loss of property and work opportunities.
 2. **Mental anguish and emotional distress** caused by being deprived of his home and stability.
17. Given the Petitioner is unable to account for the damages she has caused, the court should impose the appropriate sanctions for the following reasons:
 - i. For signing multiple fraudulent documents which she knew to be false, including the affidavit of inability to pay and original petition for divorce filed December 18, 2023, the Application for Protective Order filed December 22, 2023, and the current temporary orders prepared by her current unauthorized attorney, which should be stricken from the docket pursuant to Rule 12 given that they are not agreed.

- ii. For failing to take her court-ordered parenting class, which permits the court to issue an appropriate sanction pursuant to Tex. Fam. Code § 105.009(g).
- iii. For putting her own selfish agenda before her own children's future and emotional stability , disregarding them entirely
- iv. For any other actions or inaction taken by the Petitioner in this matter.

CONCLUSION AND PRAYER

18. In conclusion, this case should be dismissed as a matter of law. It has yet to be adjudicated fairly in over a year, exceeding the Texas Supreme Court guidelines. It further was founded on fraud, including an affidavit of inability to pay, making the case dismissible pursuant to the Tex. Prac. Rem. Code Sec. 13.001. Finally, given the fundamentally flawed decisions made in this case in regard to the children – the current situation damages their well-being, and a re-assessment of the facts are needed for the court to properly adjudicate this matter.

Therefore, the respondent respectfully requests that this honorable court:

- i. Dismiss this case without prejudice and impose the appropriate sanctions on the Petitioner.
- ii. Adopt the emergency temporary orders filed by the Respondent in September of 2024 which reflect the reality of the current situation and preserves the status quo of the children in accordance with Texas law.
- iii. Provide clear, written instructions in the dismissal order permitting the Respondent to return to 6641 Anne Court, Watauga, TX giving the Petitioner

the choice to either co-habitat or live next-door while the Respondent repairs the significant damage caused by her actions.

- iv. Give the Respondent sole managing custody of the children and exclusive use of the residency while the case is pending.
- v. Require that the Petitioner provide the documents requested that will allow the court to establish child support payments for the children and require that the Petitioner make these payments to aid in the rebuilding process for the Children.
- vi. Require a response to be filed by the opposing party within the next ten days.
- vii. Provide any further relief that the court finds just and equitable given the unusual circumstances of this matter.

Respectfully submitted,

Charles Dustin Myers
6641 Anne Court, Watauga TX 76148
817-546-3693
Chuckdustin12@gmail.com
Pro-se

Certificate of Service

I certify that a true copy of this MOTION TO DISMISS was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on January 24th, 2025 to:

Morgan Michelle Myers by electronic filing manager at morganmw02@gmail.com.

Cooper L. Carter by electronic filing manager at coopercarter@majadmin.com

Holly Hayes by electronic filing manager at csd-filer-914@texas.oag.com

/s/ Charles Dustin Myers

Charles Dustin Myers

Chuckdustin12@gmail.com

817-507-6562

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: 96596367

Filing Code Description: Motion (No Fee)

Filing Description: MOTION TO DISMISS

Status as of 1/27/2025 8:53 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	1/24/2025 8:29:12 PM	SENT
MORGAN MICHELLEMYERS		morganmw02@gmail.com	1/24/2025 8:29:12 PM	SENT
Cooper L.Carter		cooper.carter@majadmin.com	1/24/2025 8:29:12 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	1/24/2025 8:29:12 PM	SENT

CERTIFICATE OF SERVICE

Relator certifies that on April 10, 2025, a true and correct copy of the foregoing SUPPLEMENTAL MANDAMUS RECORD was served on all parties and counsel of record as follows:

Respondent

Hon. Kate Stone J.D.

Associate Judge, 233rd District Court
Tarrant County Family Law Center
200 E. Weatherford St.
Fort Worth, TX 76196
817-884-1197

Via electronic submission to the court coordinator

Via email: ADWierzbicki@tarrantcountytexas.gov

Real Party in Interest

Morgan Michelle Myers
6641 Anne Court
Watauga, Texas 76148
817-235-5189
MORGANMW02@GMAIL.COM

Counsel for Real Party in Interest

Cooper L. Carter

Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, TX 76116
Via email: coopercarter@majadmin.com

/s/ Charles Dustin Myers

Charles Dustin Myers
PRO-SE RELATOR

SERVED: 04/10/2025

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: 99524439

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@tarrantcountytexas.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